

Legislative Assembly,

Monday, 12th November, 1894.

New Member—Motion for Adjournment: Murders by Natives at the North-West Northern Railway Station—Quarterly Returns of Revenue from Lands and Mines—Proposed appointment of Royal Commission re Goldfields Regulations—Removal of Railway Workshops from Fremantle—Southern Cross-Coolgardie Railway Bill: third reading—Scrub Act Amendment Bill: third reading—Goldfields Act Amendment Bill: in committee—Adjournment.

THE SPEAKER took the chair at 7:30 p.m.

PRAYERS.

NEW MEMBER.

MR. HOOLEY, having been introduced, took the oath and his seat as member for the Murchison, *vice* Mr. Darlôt, resigned.

MURDERS BY NATIVES IN THE KIMBERLEY DISTRICT: MOTION FOR THE ADJOURNMENT OF THE HOUSE.

MR. CONNOR moved the adjournment of the House, in order to call attention to the murder by natives of police constable Richardson and two other Europeans in the Kimberley district. The hon. member urged that something should be done towards meting out retribution to the murderers. The session before last, in Parliament, he had gone into the matter of protection to the settlers at the North rather elaborately, and had proposed a motion, on the lines of which he urged action should be taken. Unfortunately, at that time, the Government did not see their way to go so far as he proposed, although he met with some sympathy from them. Events had proved that he was right in the view he had taken. To his mind, the most serious of all the outrages which had taken place in the North was the cold-blooded murders, which had taken place a few days ago, when police constable Richardson and two other men were murdered. The hon. member read a telegram from a resident of the district, who urged that he should call attention to the matter, and that retribution should be swift, sharp, and decisive, otherwise the residents might be tempted to take

matters into their own hands. He would be adverse to taking any steps which might be considered cruel, but the least the Government could do in the matter was to declare the men, to whom the outrages could be clearly traced, outlaws, so as to give the settlers power to take steps for their own protection. As he had stated before, the police force was not only insufficient in the North, but the men were badly equipped, and this had been again shown in the present case. If something decisive was not done to protect the people there, he was afraid they would hear of more serious trouble very shortly.

THE PREMIER (Hon. Sir J. Forrest) said, in reply, that he was sure no one regretted more than he did, personally, or the Government, the brutal murders which had just been committed in the Northern districts of the colony. The worst feature of the whole thing was that the murders had not been committed by the wild natives, but, as far as could be at present ascertained, by civilised blacks. It appeared, from the meagre intelligence yet to hand, that a police constable, together with two native troopers, were bringing some prisoners down to Derby, when something happened, and the white constable was subsequently found dead in his hut. After this two other men, who had been out with cattle in the same neighbourhood, were found shot dead, and there was grave suspicion that the two black troopers were the murderers. Those two men had decamped, and taken with them a quantity of ammunition. As soon as the information of the occurrence reached Derby, instructions were immediately sent from Perth to spare no expense, and to do all that was possible to bring the murderers to justice. He had sent a number of telegrams to Mr. Lukin and the Resident Magistrate to the effect that they were fully authorised to use every endeavour to bring the murderers to justice. He assured the House that he fully recognised the seriousness of the situation, because he was informed that the settlers' stations in the neighbourhood were not very fully manned, more especially Mr. Lukin's, on whose station there was a large number of stock. The country where the deeds were committed was very rugged, and the limestone

ranges were very rough, so rough in fact that they were almost inaccessible, so that the natives were thus protected by an almost complete barrier. However, he trusted that the people of the district would rally round the authorities, and that the murderers would be brought to justice. Every exertion would be made by the Government to do so.

MR. HARPER asked if the Premier knew where the suspected natives came from?

THE PREMIER (Hon. Sir J. Forrest) said he did not. He had heard they were two of the best shots, at one hundred yards, in the district.

MR. WOOD asked if steps had been taken to increase the police force in that district?

THE PREMIER (Hon. Sir J. Forrest) did not think so; but instructions had been given to swear in special constables if found necessary. He had heard on Saturday that the police had been already sent out. Full instructions had been given to the Inspector that he himself should go out and lead the party. There had been some difficulty, he believed, in securing horses for the party, but he hoped that would only be a temporary difficulty.

Motion put and negatived.

WEST NORTHAM RAILWAY STATION.

MR. MONGER, with leave, without notice, asked whether it was the intention of the Government to do away with the West Northam railway station, and substitute a station at East Northam in lieu thereof?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said the Government had no intention to do away with the West Northam station, but they proposed to run through daily trains to East Northam. Whether it would eventually lead to East Northam becoming the terminal station, or not, he could not at present say.

QUARTERLY RETURNS OF LAND REVENUE.

MR. LEAKE, in accordance with notice, moved, "That in the opinion of this House it is desirable that in the Financial Quarterly Returns the revenue derived from mines and mining should

be shown separately from that derived from other lands." He said the motion, if carried, would have this effect: they would then know exactly what revenue was received from lands and what revenue was received from mining, instead of the two being lumped together as at present. For instance, the land revenue for the quarter ended 30th September, 1894, was shown as £11,711 8s. 7d., and the land revenue for the year ending on that date was given as £104,937 8s. 10d., but there was nothing to show how much of this revenue had been derived by the Mining Department as distinguished from the Lands Department. He was sure it would be an advantage to members and to the country generally if they could see at a glance at what rate of progress the Mining Department was progressing. He did not suppose it would entail any extra labour upon the department.

THE PREMIER (Hon. Sir J. Forrest): We agree to it.

Motion put and passed.

PROPOSED APPOINTMENT OF A ROYAL COMMISSION TO REPORT UPON THE MINING LAWS AND REGULATIONS.

MR. LEAKE: I move "That in the opinion of this House a Royal Commission should be appointed to consider and report upon the question of amending the Mining Laws and Regulations, and that such Commission should report before the next session of Parliament." I am induced to bring this resolution before the House after a perusal of the report of the select committee appointed to consider the Goldfields Act; and, if members will turn to that report, they will see that this motion of mine practically adopts the resolution of the committee. Inasmuch as the usual practice was not followed with regard to that report, namely, to move that it be taken into consideration—perhaps it was not considered necessary to do so—I have thought it advisable, after consulting two or three members interested in the subject, to bring this motion before the House, in order that the Government might act upon the resolution of the select committee. I wish it to be distinctly understood it is not an original idea of mine, but has been suggested by the resolution that was agreed to by a committee of seven members of this

House, only a few weeks ago. Neither in this nor in the resolution which I have just moved is there any matter for contention, and I trust that the House will agree to it, because there can be no doubt that in our mining laws as they at present exist there is room for improvement, or at rate there is room for dispute, and I think if we can frame laws that will better meet the requirements of this important section of the community we shall be doing good. The resolution is so framed as not merely to apply to the Goldfields Act and regulations, but also to all our mining laws. It is true that, in my opinion at any rate, the administration of the Goldfields Act is of paramount importance, and I have no doubt that the administration of the Goldfields Act and regulations would possibly engage more of the attention of this Commission, if appointed, than any other section of the mining laws. However, as I do not anticipate that this resolution is likely to be objected to, it is not necessary for me to labour the question, or to adduce any very forcible arguments in its favour. The arguments will no doubt occur to the mind of every member, and I hope the Government will act on this resolution, remembering that in doing so they are only following out the suggestion that was recently made by a select committee of the House.

THE PREMIER (Hon. Sir J. Forrest): I do not rise for the purpose of objecting to the motion, but to express my own opinion. I really believe that this Commission will not do as much as if the Government themselves dealt with the question. We know what Commissions are, and especially such a Commission as this would be, having to deal with matters and to obtain information from places so far away as our goldfields are. I believe that the result of this motion would simply be that the report of the Commission would probably come before the House next session, and the Government would then be asked to prepare a Bill on the lines of the report, or at any rate to do something. The only result would be to delay matters. If the Government have to deal with this matter themselves, without the intervention of a Commission, they might be prepared with a Bill as soon as the House met, and I believe we would be quite as competent to deal

with the question, and possess as good means of obtaining information, as any Commission that may be appointed. That is my private opinion at any rate. I am one of those who do not believe that there is anything radically wrong with our gold-mining laws and regulations. I believe that, with the amending Act we are now dealing with, there will be nothing radically wrong in connection with our gold-mining laws; or, at any rate, I think all that will require amending can be easily dealt with by the Government themselves. I have had opportunities of hearing the views of people engaged in the gold-mining industry in various parts of the colony, and I must say I heard very few complaints from them with regard to our Goldfields Act or regulations. There are a few, and they are very important ones, which we are dealing with in this new amending Bill, one of which is in regard to the Warden's courts being situated so far apart, and not being courts of record and registration. That, no doubt, was a serious defect, when persons at Yalgoo, for instance, had to go to Cue, or persons at Nannine, or at Mt. Magnet, had to go to Cue, there being no court of registration at any of those places. No sooner had I returned from my visit to the Murchison than I took steps to have that altered; but it was found that the law as it stood was not sufficient. The Attorney General can tell you how strongly I urged upon him to try to make the law fit the circumstances. We appointed registrars and courts, but we could not define the areas over which they had jurisdiction, and we had to give it up. The courts are there, and the registrars are there; and this Bill, which I hope will be passed to-night, will enable us to get them to work. Another serious complaint was with regard to leasing alluvial ground. Instances came under my personal observation at the Island, on the Murchison goldfields, in which areas of rich alluvial land had been let on lease, the land being surrounded by alluvial diggers, to whom the leases were a source of bitter complaint. That also is to be altered in the Bill now before the House—at any rate to some extent. Apart from these defects, I found there were but very few complaints on the goldfields as to the working of

the regulations. It is not likely that there would be, when we bear in mind that our goldfields legislation is based upon the most recent legislation, that of Queensland, which probably has done more gold-mining than any other country in Australia; therefore our legislation cannot be far behind the times. I make these observations, not for the purpose of opposing the motion—I have no objection to it myself, though I do not think it is necessary—but for the purpose of pointing out that the amending of our gold-mining laws, beyond what is proposed in the Bill before the House, is not urgently required at the present moment, and that the Government are quite competent to deal with such small matters as may require amending. I am prepared to admit that there is a good deal to be said with regard to the law as to appeals; but that has been dealt with, to some extent, at the present time.

MR. R. F. SHOLL: I think we shall have the Government completely governed by Commissions before long. If they are not capable of doing these things themselves, they had better make room for somebody else. I think, myself, they are capable of dealing with this question, and a good deal better than any Commission would. They have all the necessary information within their reach, and they have their own officials to assist them. I think, however, it would be well that one of their Ministers should make a point of travelling through the various goldfields, and see for himself where the Act or the regulations require amending. I think they would be more likely to be able to frame a good workable Act than by entrusting the work to a Commission, the members of which might not know anything about mining. With the exception of one member, who resides on the goldfields, I do not see how other members are in a position to know what the defects of the existing laws are. Of course members who represent goldfields would like to have them altered to benefit their own particular constituencies; but there is the other side to be considered—how to benefit the country at large. If the Government are prepared to receive practical suggestions from the different mining centres, and to act upon them, I think they will be more likely to arrive at a more satisfactory solution of the difficulty, in

the interests of the entire community, than this Commission would, and I hope the Government will not consent to the appointment of a Commission. We had another Commission appointed last session, and what has been the result? We are now asked to revoke it. I think we had better let Ministers govern the country instead of appointing Commissions to do everything for us.

MR. ILLINGWORTH: I may say that it was I who proposed, when this select committee was sitting, that the whole question of our mining laws should be submitted to a Royal Commission; and I did so for the simple reason that I saw it was absolutely impossible for the committee, as then constituted, and with the limited time at its disposal, to undertake the work. But during the progress of that committee I found that the Government had already taken steps, through the Mining Department, to obtain a vast amount of information bearing on the subject from all parts of the colony, and that they were also prepared to receive fuller suggestions, and that the Mining Department had had this information tabulated in a form which may perhaps lead to the bringing in by the Government of a very effective Bill, and at an earlier date than it would have been possible for a committee to do so. Therefore, I am disposed to ask leave to withdraw that proposal which I made for the appointment of a Commission, and to accept the assurance of the Government that they will themselves deal with the subject, and bring in a Bill. I want, however, to say that I do not agree with the suggestion of the Premier that the present Act does not require much alteration. I think the Act is hopelessly bad, from beginning to end, and that it wants a new lock, stock, and barrel; and I hope that when this Bill is brought in by the Government, we shall find it a thoroughly effective and up to date Bill. The present Act was framed when the conditions of the mining industry in this colony were altogether different from the existing conditions and more recent developments.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I am very pleased to hear the hon. member for Nannine uttering the sentiments that have fallen from him, because it was upon his motion, in select committee, that the

committee decided to refer the whole question to a Royal Commission. There is no doubt, as the hon. member has said, it would have been impossible for the select committee, with the means and time at its disposal, to have brought in a measure to remodel the whole of our mining laws in a way that would have been satisfactory to the House. The hon. member has been good enough to allude to the great pains taken by the Secretary for Mines, Mr. Prinsep, acting upon my instructions, to obtain information on this subject from all the goldfields centres, not only from the wardens, registrars, and the local progress committees, but also from mining men themselves. All this information, as he says, has been tabulated in a form which I believe will enable the Government, during the recess, to prepare a Bill which I trust will give satisfaction not only to the mining community, but to the community at large. Therefore, I hope the hon. member for Albany will fall in with the suggestion made, and will consent to withdraw his motion for the appointment of a Commission. I offer no opposition to it myself because, so far as I am personally concerned, it would relieve me of a certain amount of responsibility, and relieve the Government of a certain amount of responsibility, if a Royal Commission were appointed, and reported on the subject, though probably their report would not be of much practical value. My experience of Commissions has been that their labours very rarely result in any practical reforms, and I am doubtful myself whether as much good would result from the appointment of this Commission as will happen if the Government are themselves entrusted with the entire responsibility of preparing their own Bill.

MR. MORAN: As one who was a member of the select committee appointed to consider this matter, I may be allowed to say a few words. I presume we can rely upon the promise of the Premier that the Government will deal with the subject during the recess. I fancy, if he will only adopt energetic measures to obtain all possible information from the various mining centres, that a large amount of very valuable information, the result of mature consideration and experience, will be gained. I

hope the Government will not overlook the interests of the alluvial digger, but do all they can to protect his interests. The alluvial diggers, after all, are the men who open up our mining country. They are men of limited means, but of great enterprise, and the more encouragement and the greater facilities we give them, the better for the country. There are one or two matters urgently required to alleviate their position under the present laws, and I trust that these matters will receive the earnest consideration of the Government. One of these is that the regulations should provide for the amalgamation of two or three alluvial claims for the purpose of registration, so that they may be worked in combination. With regard to the mining laws generally, I think I would be right in saying, that perhaps the greatest grievance which the miners have against them is not so much as regards the mining regulations as with reference to the present system of alienating lands on the goldfields townsites, under which the original holders are ousted by any bloated capitalist who is in a position to buy the land over their heads. This is a subject which I trust the Government will give their most earnest consideration to. The men who have given these goldfields lands their enhanced value have every right to be protected, and to reap the reward of that enhanced value, rather than that the Government should reap it, or any enterprising capitalist who happens to come along afterwards.

MR. LEAKE: It seems to me that the object I had in view in bringing this motion before the House has been really attained; and if I understand that this House has the assurance of the Premier and of the Commissioner of Crown Lands that an inquiry will be made into this matter during the recess, I am quite willing that the present motion should be withdrawn. I was not aware when I moved it that the Government were in possession of such exhaustive information as I understand from the hon. member for Nannine they are; and had the select committee mentioned that fact in their report, I do not think it would have been necessary for me to have brought the matter forward at all. However, I am content to accept the assurance of the Government that the whole question will

be dealt with during the recess, with the view of introducing a Bill when this House reassembles.

Motion, by leave, withdrawn.

REMOVAL OF RAILWAY WORKSHOPS FROM FREMANTLE.

MR. LEAKE: Sir,—it is quite possible, and perhaps probable, that the motion which I am about to bring before the House now will not be carried unanimously, there being, I understand, some little difference of opinion as to whether or not these Railway Workshops should be removed from Fremantle to a site near the Midland Junction. However, it is my intention to move the resolution; but, in doing so, I desire to drop out the words "without delay," so that the motion will now read, "That in the opinion of this House the Railway Workshops should be removed from Fremantle to a site near the Midland Junction." Members are aware that in July, 1892, a gentleman named Mr. Allison Smith, an expert from the neighbouring colony of Victoria, came round here, and was specially commissioned by the Government to report generally upon the Railway Workshops of the colony. As the result of his inquiries, Mr. Allison Smith came to certain conclusions, which he embodied in his report, dated the 22nd July, 1892, and presented to Parliament, which report appears in the "Votes and Proceedings" of 1892-3. Upon that report, the hon. member for the Gascoyne brought forward a resolution to this effect: "That, in the best interests of the colony, this House is of opinion that the Government should, without delay, give effect to the recommendations of Mr. Allison Smith, as set forth in his report to the Hon. the Commissioner of Railways, upon the Workshops and Locomotive Branch of the Railway Department of this colony." After considerable debate upon the motion there was a division, which resulted in a majority of two only against the motion; and, if members will take the trouble to read that debate, they will see that whilst the forces supporting the hon. member for the Gascoyne were very emphatically in favour of the motion, those who were against it did not entertain such positively strong opinions on the subject; they seemed rather to regard it as a question of expediency only, and really the

whole matter resolved itself into the question of whether the time had then arrived for removing these workshops. Subsequent to that, there was a Commission appointed to inquire into this question amongst other things, consisting of Mr. Randell, Mr. Loton, Mr. Quinlan, Mr. Congdon, and Mr. Samson; and the majority of that Commission reported in favour of the removal of the workshops from Fremantle to the Midland Junction. This matter, therefore, is not fresh to the minds of members, and I have no doubt that at some time or the other it has engaged the attention of the Government. But, notwithstanding the recommendation of the Commission, of which the hon. member, Mr. Randell, was chairman, we find that no practical steps have been taken to give effect to that recommendation. I have, therefore, thought it advisable to bring the matter forward once more, in order to have a distinct expression of opinion on the subject by this House. Members who were in the House last week will remember that the Commissioner of Railways, in the course of certain observations, remarked that he himself was in favour of the removal of these workshops; and I have no doubt that the Commissioner of Railways, when he gave expression to that opinion, also expressed the wish of—I will not say all, but of the majority of his colleagues, at any rate. I can imagine there is one hon. gentleman among them who does not heartily support the Commissioner of Railways in this matter.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): The hon. member should not indulge in flights of imagination.

MR. LEAKE: Oh, is that it? Then the Government must be unanimous in supporting this resolution. I am glad of that, for unless the Government throws itself heart and soul into the resolution, there may be some wavering and a little difference of opinion on the subject, possibly, as it is one that is likely to arouse the dormant energies of those who permit themselves to be actuated by self-interest or local interest—I do not say who they are. There are members in this House who do not always give the House the benefit of their opinion on subjects under discussion—who are almost silent members—but who, I

venture to say, on this occasion will give us the pleasure of listening to them. Of course, vested interest is a very powerful motive power; it cannot be otherwise. I do not wish to say that because a person is actuated by self-interest in any particular matter he is actuated by anything like an improper motive; on the contrary, self-interest will make men exercise their intelligence and their reasoning faculties; and, if a man exercises all his intellectual ability, the chances are that he will come to some conclusion, and, perhaps, a definite conclusion, though, perhaps, not always a proper conclusion. There are many members, I am happy to say, who will be able to take impartial views upon this question, and who will be able to follow the chain of reasoning set forth in the report of Mr. Allison Smith, and in the report of the Commission I referred to, and also in previous debates on this subject. When a gentleman in the position of Mr. Allison Smith, an acknowledged expert in such matters, is brought round from Melbourne with the view of reporting upon matters within his special knowledge, no doubt his opinion must carry considerable weight in the minds of every unprejudiced person. Amongst other things Mr. Allison Smith, in his report—referring to the excessive cost of working the locomotive department in this colony as compared with the cost of similar work in the other colonies—says: “I attribute a large proportion of this excessive cost to the absence of proper accommodation in the shape of convenient engine sheds, and well designed and efficiently equipped workshops.” That is one paragraph. Then, later on, referring to the same matter, he says: “I have come to the conclusion that the present site should be abandoned as soon as it is possible to complete and equip a new establishment, properly designed, to meet the present and rapidly increasing necessities of the situation.” When Mr. Allison Smith was here in 1892 (which was before the era of our gold discoveries), it will be seen that he anticipated the rapidly increasing necessities of the situation; and every member must know that these necessities have increased in far greater proportion during the last year or two than ever was anticipated when this report was made, owing to

the development of our goldfields, and the abnormal influx of population which has happened in consequence. Since 1892 we find ourselves in a far more advanced position than Mr. Allison Smith or anybody else anticipated at that time, and, if those words of his might be considered weighty and justifiable in 1892, how much more weighty and justifiable must they be considered at the present moment? He goes on to say: “From the situation and plan of the existing shops, extensions are impracticable, and any money spent upon them, except in the way of purely temporary conveniences, must be ultimately wasted.” Notwithstanding this dictum, great sums of money are being expended at Fremantle, and further sums of money must be spent, if it is intended to make the present shops equal to the present demands of the department, although we are assured that all this expenditure must be ultimately wasted. The Commissioner of Railways is alive to that fact, and so is his principal professional adviser, the Engineer-in-Chief. Both these gentlemen are, no doubt, as capable to speak on the question of railway workshops as any other persons in the colony, and their opinion should carry considerable weight. Mr. Allison Smith goes on to say: “I have selected a site at Guildford, which I think should be adopted. The area under offer to the Government (260 acres) possesses all the requirements of an admirable situation.” The site he there refers to is the 260 acres of land which the Government had then under offer of purchase, and which they subsequently did purchase for this very purpose.

THE PREMIER (Hon. Sir J. Forrest): We have never said that.

MR. LEAKE: Then I will say it for you. There is no doubt at all—we all know it—that the Government did purchase that land on the strength of Mr. Allison Smith's report; and, having purchased it, why not use it? If it was not bought for railway workshops, for what purpose was it bought? It was not bought for the purpose of land speculation, or turning over an honest penny in that way,—buying it at £10 an acre to-day and selling it at £15 an acre to-morrow. Of course if the Premier or any other member of the Government is in a position to rise in his place and give a flat denial to this suggestion of

mine we must accept it; but I can hardly think that any member of the Government would go so far as that. One of the only objections I have heard against that Guildford site was the difficulty of obtaining a proper supply of water there, not only as to quantity but also as to quality; but recent experiments made under the direction of the Works Department, in the way of putting down bores, at this particular site, have settled once for all that there is no difficulty with regard to this question of water supply, because there has been struck, on this very piece of land, a large supply of artesian water, of first-class quality, and of a quality admirably adapted for locomotive purposes. Here, then, we have all the conditions that should weigh with us in the consideration of this question,—we've got the land, we've got the water, and what is of still greater importance, we have the necessity for the removal of the workshops from their present site. There can be no doubt that as the new harbour works expand and the trade increases at Fremantle, these workshops must be crowded out, or they will in turn crowd out other important industries. If these harbour works are carried out as intended, all the land now used for these railway workshops will be required for wharves and other purposes of a like nature. Everybody knows there is little enough accommodation in the present goods sheds, and if these workshops are removed to Guildford, as my resolution suggests, those buildings which are at present used for workshop purposes will not remain idle, but can be used for goods sheds and other like purposes, close to the wharves. Whilst on this point I would appeal to the members for the different divisions of Fremantle, and point out to them that the removal of these workshops will not affect that town in the disadvantageous manner they may possibly anticipate, and for this reason: Fremantle is represented at any rate by the interests of some members in this House as Fremantle that is situated on the south side of the river, and it would not be advantageous to those interests if Fremantle were shifted to the opposite side of the river, or—another contingency—if Fremantle were shifted farther towards Perth. Therefore it is to their benefit

to take advantage of the present opportunity of keeping Fremantle where it is, and to secure near the mouth of the river and in the immediate vicinity of the harbour works the most valuable and most eligible site for wharfage accommodation. If they will think the matter out they will see that even if the removal of these workshops would be some disadvantage to them, it would only be of a temporary nature, until these harbour works are completed and in full swing. If they put it off too long they will find the wharves shifted to the North side of the river, or farther up the river. There is also this to be said in favour of an early decision on this point: the work of removing these workshops cannot be done in a few days or a few weeks; it will take a considerable time. There will also be a large area to be prepared for the necessary buildings on the new site; and altogether it will take some considerable time before to remove the machinery and the plant, and to make all the arrangements which are necessary for carrying out so important a work. There is no necessity for me, on this occasion, to adduce in favour of this resolution those arguments which are set forth in the reports of the Commission and Mr. Allison Smith; but, if members will read those reports, they will see that amongst other things this site at the Midland Junction is recommended because it will be a fresh starting point for locomotives at the commencement of the difficult grades on the Eastern line; it is also a central position, and infinitely superior in other respects to the site at present occupied by these workshops. There is much more that I might say upon this motion, but I think I have said enough to show that the removal of these shops is a work of necessity, and that the sooner it is entered upon the better. If I have anticipated the Government in bringing forward this resolution, I will not exactly say that I regret it, but I hope all the same that members will vote for it, because it is merely an anticipation of the Government policy, and emphasises the fact that the proposed change is desirable. All things are favourable at the present moment to the removal. It is absolutely necessary that more money shall be expended in providing better facilities than the present workshops afford. That being so, let us

at once say that we will spend that money in permanent works, and not in tinkering with what, even at the present moment, is admittedly inadequate. Let it be spent upon a site which will answer our purposes for all time, and which is in every way an advantageous site; and let us build upon that site railway workshops which will meet all our requirements for many many years to come.

THE PREMIER (Hon. Sir J. Forrest): It is really good on the part of the hon. member wishing to impress upon the Government what its duty is in an important matter of this kind. I do not know whether his motion is in order—perhaps it is—according to our Standing Orders. Still, I think if there is one question which properly belongs to the Executive Government of the day, it is the question of the expenditure of a large sum of money such as must be entailed in the removal of the Railway Workshops. The hon. member has not dealt with the question of ways and means at all. [**MR. LEAKE:** I cannot.] If he had, he would have seen how much money this project must entail. I think, if I point out that only £20,000 was provided in our last Loan Bill for this purpose, members will at once realise how much is capable of being done with £20,000 in establishing and equipping new railway workshops. I do not mind giving my own opinion, so far as I am able to give it, on this question—I won't say it is an opinion which I will never change. I do not myself like the present site at Fremantle as a place for the permanent location of our railway workshops; the area is too contracted and the level is too low, and in many ways it is not as suitable a site as I would like to see; and if we add to all that the opinions of those who have to give us professional advice, who say it is not a suitable site, I have no doubt that the time will come, and probably very shortly, when we shall have to move these shops to some place where there is more area, and a place which is more suitable in other respects. But whether that time has arrived at the present moment is another question, and whether members are prepared at the present moment to embark in an expenditure of at least £50,000 for this purpose. Before we do embark upon it, the House must be prepared to

authorise the expenditure. It is true there was a Commission appointed to consider the matter, and they made a report; but the members were not unanimous—three were in favour of the removal of the workshops, and two in favour of keeping them where they are; so that they did not give the Government a definite decision on the point. The Government are most anxious to deal with this question as soon as it is absolutely necessary to do so, but I do not see why we should embark upon a large expenditure of this kind unless it is absolutely necessary, especially at the present time. I am not one of those who believe—and I do not care if fifty engineers heard me say so—that there is any very great loss entailed, as yet, in connection with these workshops, so far as the maintenance of rolling stock and the working of our railways are concerned. I do not see where it can come in. The shops may not be so convenient as we would like them to be; but how, with proper management, they should entail an immense loss on the country I cannot see. I can understand an immense loss arising from the heavy grades on our Eastern Railway, which no doubt knock the engines about a good deal. But that is being rectified, I am glad to say. I think Mr. Allison Smith did not separate the loss arising through these heavy grades from the loss arising through the want of facilities at the workshops. I believe he placed the loss from the two together at something like £15,000 a year, but I should like to know how much was attributable to each. I am convinced, myself, that the greater amount of it was from those terrible grades. I am of opinion that the site at Guildford is a very excellent one in many respects; but it has one disadvantage, to my mind, in being a considerable distance from a port, because it stands to reason that for workshops such as these, requiring so much coal and iron and other material which have to be imported, it is more convenient to have them near a port than far away. I am not so sure there is no site nearer Fremantle than Guildford, but I am quite sure there is not so good a site, and you will have to place the disadvantage of being farther away as against the advantage of having a better site and a larger area. The

Government want to do the best they can for the colony in this matter. We do not want to keep the workshops in a place where we are losing money by them, and where, in other respects, they are not satisfactory; at the same time, we do not wish to interfere with this large establishment unless it is absolutely necessary. We are investigating that matter at present, and will deal with it in a very short time. I can tell members we will deal with it during the recess. We will then make up our minds definitely, so that there will be no shifting about afterwards. I do not know whether members will be satisfied with that declaration. I do not deny that we are most reluctant to remove these workshops unless we find it absolutely necessary. We are aware that the Fremantle people, who constitute a large section of the community, are averse to their removal, and it is right that we should recognise that they have a vested interest in these workshops, having had them in their midst all these years; and, I do not care who it is, whatever Government is in power, they would hesitate before they removed these workshops, unless it was absolutely necessary to remove them, in the interests of the colony. That is the view I take. I am very reluctant—in fact, I am very sorry it should so happen that the question of removing them has become a question that must be dealt with, because I should have much preferred that Fremantle, which has had them so long, should always retain them. We must not forget that the cost of removing them and establishing them on another site will mean a lot of money; Mr. Allison Smith, I think, puts it down at £50,000. I should say it will cost that at the very least, when you come to have running sheds, smiths' shops, and all the other appurtenances necessary for providing efficient workshops. I wonder how much has been spent even on these shops at Fremantle, from beginning to end. I should be sorry to guess. Making a rough guess, I should say it is £30,000 or £40,000, if not more. Of course the Fremantle people are naturally averse to having these shops removed from their town; but we must regard the question from a national point of view, as it is a national undertaking. If we do have to remove them it will not be because we

love Fremantle less, but because we love the interests of the whole colony more. It cannot be said that the Government have been neglectful of the interests of Fremantle. Leaving out the workshops, I suppose there are over 400 men now employed in connection with the harbour works. I don't know how many there are employed in these shops, but I suppose about 200; so that there must be 600 or 700 men employed by the Government about Fremantle in connection with the Works and Railways Department. Therefore it cannot be said that the Government are neglecting Fremantle, or that they are actuated by any desire to injure Fremantle, if they can possibly help it. As I said before, it grieves me to have to deal with this question, but it must be dealt with; and I think the proper authority to deal with it is the Government. We now know pretty well what the opinions of engineers are, and what the views of this House are; and what we have to consider now is the financial aspect of the question. If the hon. member will accept my view, I think he might withdraw his motion, on the understanding that the Government will undertake to deal with the question during the recess. I do not exactly know whether the resolution is even in order, or whether it is to be regarded as a mere abstract resolution.

THE SPEAKER: I think it is sufficiently abstract to come within the terms of the ruling I gave the other night, as laid down in *May*.

MR. R. F. SHOLL: This matter was brought prominently before the House two or three years ago, and a Commission was appointed, and the Government have had all the evidence before them, yet they have taken no steps in the matter. It is acknowledged that the present site is most unsuitable, and they have an admirable site elsewhere, purchased for this very purpose.

THE PREMIER (Hon. Sir J. Forrest): I bought it, and I say it was not so.

MR. R. F. SHOLL: Then why did you buy it?

THE PREMIER (Hon. Sir J. Forrest): I have told you often in this House before.

MR. R. F. SHOLL: The Government now tell us they propose to deal with this matter during the recess, and that we

ought to be satisfied with that. Why didn't they take action before? They have had plenty of money.

THE PREMIER (Hon. Sir J. Forrest): Where?

MR. R. F. SHOLL: They had £20,000 on the last Loan Bill, and they are going into the loan market for another million-and-a-half. Why was not the money for these workshops included in it instead of some of the useless works on that schedule? The Premier told us that the members of the Commission were not unanimous. But who were they? We know that two of them were residents of Fremantle, and is it to be wondered at that they were not in favour of removing these workshops? We have had the opinion of Mr. Allison Smith, an expert, and we also have had the opinion of our own Engineer-in-Chief, yet nothing is done in the matter. Now we are told that the Government intend considering the matter during the recess. Why did they not do so two years ago, when they had the same information before them as they have now? I will tell them why: because they were afraid to offend, not so much the people of Fremantle, but the three members representing Fremantle—their own supporters. The Premier says he does not like to interfere with vested interests; he did not trouble himself about vested interests when he subsidised a cold storage business in opposition to the Ice Company, who had spent some thousands of pounds in establishing the same business. What is the vested interest of Fremantle after all in these workshops? Who will be affected by this removal, except a few tradesmen, butchers and bakers, who can follow the workshops if they like? I may as well say it will injure my vested interests in Fremantle, because I happen to have some property there. I do not think that the presence of these workshops increases the value of property in the town of Fremantle.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Oh, doesn't it?

MR. R. F. SHOLL: Even if it does, and the interests of the country demand it, local interests must give way. If the Government are satisfied that the workshops ought to be shifted, why should they fritter away more money on the present shops? Why not remove them

at once? They can borrow money for useless undertakings such as the Bridge-town Railway and the Collie Coalfields Railway; why not divert some of that money for this purpose, and bring in a Bill to legalise it? The Government can always find money when they like. They already have £20,000 for this purpose, which will do for a start; and, if more money should be required before this House meets again, I am perfectly satisfied that the Premier is quite prepared to take the responsibility of overrunning the constable to the extent of another £20,000. He thought nothing about giving the Midland Railway people £60,000 without consulting Parliament; and, for an important work like this, which is admitted on all hands ought to be carried out, I am quite sure that Parliament would support him if he found it necessary to overrun the constable.

THE PREMIER (Hon. Sir J. Forrest): There's the Audit Act.

MR. R. F. SHOLL: The Audit Act didn't trouble you much when you advanced that £60,000 to the Midland Railway. I went at some length into this question of the removal of the workshops, two or three years ago, and it is not necessary for me to go over the same ground again. The Commission, too, has dealt fully with the question, and gave the Government advice that ought to have been acted upon long since.

MR. RICHARDSON: I hardly think we ought to discuss an important question like this at the tail end of the session. Reading between the lines of the motion, it seems to me it almost amounts, if not to a vote of no-confidence, certainly to a vote of censure upon the Government for not having taken the matter into their consideration before. There seems to be some underlying object in the motion, tantamount to saying (if we vote for it) that the Government have been very remiss in their duty, or that they have burked the question, or are afraid to tackle it. We have an assurance from the head of the Government that they do not intend to burke it, but that they will make up their minds definitely in the matter during the recess. I think if that assurance is worth anything it ought to satisfy this House. How, in the face of that assurance, this resolution would induce them to act otherwise I cannot

see. It is a very important question, and I doubt whether members, with the facts before them and the small opportunities they have had at their disposal for forming a conclusive opinion, are competent to deal with it in this off-hand way. I do not consider myself competent. I should be sorry to give my opinion and say that these workshops ought to be removed. Perhaps other members may have a higher opinion of their abilities, and are prepared to pronounce an opinion on this important subject at once. It seems to me that the question is one essentially for the Executive Government of the colony to deal with, assisted by their own professional advisers. If they are not capable of doing so, they ought not to be where they are. We have heard a good deal this evening about Mr. Allison Smith. When this question was under discussion before, I remember distinctly looking into Mr. Allison Smith's report at the time, and to my mind it was a very unsatisfactory report indeed, because, so far as I could see, he had boxed up together all the losses our railways were sustaining through the heavy grades and sharp curves with the losses sustained through inadequate facilities in the workshops. He could not, or did not, lay his finger upon how much was due to one or the other. I think, myself, that a very large proportion was due to the grades and curves at Greenmount. If it is desirable and necessary in the interests of the department and of the colony that these workshops should be removed, and the Government make up their minds to remove them, the funds to enable them to do so will have to be provided somehow. I cannot help thinking that £50,000 will never see it through. The Government, however, have given an assurance that they are going to deal with the question definitely during the recess, and I think that ought to be enough for us. I cannot think that in the face of a distinct assurance like that we should support a resolution like this, forcing their hands. Even if it is determined to remove the shops, I do not know that we have sufficient evidence to show that the only suitable site for them is at Guildford. I am not prepared to say so myself, and I do not think any other member is prepared. If they did, I do not know that their opinion would be worth much.

MR. RANDELL: You have not read the evidence, I am afraid.

MR. RICHARDSON: Yes, I have. The evidence to my mind is very contradictory, very conflicting indeed.

MR. RANDELL: Not on that point.

MR. RICHARDSON: Yes, on that point. It seems to me this is not an opportune time to debate the question, nor do I think that we are competent to express an opinion as to the best site.

MR. CLARKSON: I always rise with reluctance to speak on a matter of which I know very little, and in this particular matter I am entirely guided by the opinions of others. For many years past I have heard the opinion expressed that it is necessary to shift these railway workshops to some more convenient site. I believe the Government themselves are willing to admit that it is so. That being the case, why not do it at once? I cannot see that there is anything to be gained by delaying or postponing the removal of these workshops, when it is admitted on all hands that there is no room for the growing requirements of the Railway Department at the present site. It seems to me that the longer we delay in this matter, the greater will be the expense and inconvenience. We know that the requirements of the Department are extending in all directions. At the present moment, we are not half supplied with trucks, for one thing. I can say that from my own experience; and we are told that we are losing in other ways owing to the want of greater facilities for dealing with our rolling stock and our engines. I am not going to express any opinion as to where the new shops should be erected, although I cannot help thinking that the Government must have had in its mind's eye the site they purchased some time ago near the Midland Junction, and which has recently developed an artesian water supply, and which, taking it all round, is, I think, a very convenient site; though it is quite possible that a better site might be obtained between Perth and Fremantle, nearer to the port than Guildford. At any rate, I feel very much inclined to support the resolution, for, if these workshops are to be shifted, the sooner they are shifted the better. In a matter of this kind, where the interests of the whole country are concerned, I do not see why local vested

interest should count at all. If a hundred people chose to build a row of cottages in the neighbourhood of the workshops at Fremantle, I do not see why the whole colony should suffer for that reason. When we are told that the colony is losing thousands a year through the want of proper workshops and proper appliances, surely local interests must give way. We have not to look at Fremantle alone in this matter, but upon the interests of the whole colony.

MR. A. FORREST: I shall not support the motion, for many reasons. I think it is not an opportune time to discuss an important question like this when the session is about to close, and there are so many interests to be considered. I think it ill becomes a member representing a rival seaport to move to have these workshops removed from the port of Fremantle. If they are to be removed, surely there are many other places besides Guildford where they could be shifted to. There are many sites between Perth and Claremont quite as good as Guildford, if not better, being level country, with plenty of water, and nearer the seaboard. I suppose these workshops require thousands of tons of coal, and iron, and other material, all of which would have to be trucked from the ship's side to Guildford. I do not think members should lay much stress upon Mr. Allison Smith's report. What character does this gentleman bear in Victoria at the present time? I think he has been dismissed, or next door to being dismissed, from the public service. As to the Commission that reported on this question, I believe they called in no experts to give evidence.

MR. RANDELL: The Engineer-in-Chief.

MR. A. FORREST: I don't take any more notice of what the Engineer-in-Chief says than that (a snap of the fingers). He has no more idea of saving money for this colony than—I won't say what. He is well known to this House. He is a very able officer, no doubt, but he is inclined to be very extravagant; and if the Engineer-in-Chief had his own sway, in ten years time we might as well hand the colony over to him. I do not say it without book. I believe if we removed these workshops, and let the Engineer-in-Chief build what he wanted at Guildford, the cost to this colony

would be £100,000, and what for? If all our railways branched off at the Midland Junction, and the Midland Railway itself belonged to the colony, there might be some reason in removing these workshops to the Junction. But it is not so. Only one of our railways goes that way, and it will be no different when we have a line to Coolgardie. I say that Fremantle is just as suitable for the Great Southern Railway as the Midland Junction. There are large vested interests at stake in this matter, and the man who says that vested interests should count for nothing—well, I have a very small opinion of him. I venture to say if the hon. member for Toodyay had some vested interests himself at Fremantle, he would not have spoken as he did. The hon. member says he cannot get trucks. What has that to do with the position of the railway workshops? Does he think he would get more trucks if the shops were at Guildford? My own opinion is that the hon. member for Albany, in bringing forward this motion, wishes to bring pressure to bear upon the Government, because he thinks if it were carried there would be a split in the camp. He knows very well that the Commissioner of Crown Lands, one of the Ministers, is not able to support the motion; and the hon. member thinks that if the motion were carried it might create a little split in the Cabinet. I think, at this late period of the session, he might leave it to the Government to deal with this matter during the recess, as the Premier has promised they will do.

MR. ILLINGWORTH: I think if the Government had given this House the assurance which they have given to-night, it would not have been necessary to have discussed this motion. The Commissioner of Railways has made some very important statements in this House as to the absolute loss occasioned to the department at present; I think he admitted there was a loss amounting to nearly £18,000 a year, which represents the interest on a loan of £300,000, and it certainly will not cost that much to move these workshops and to equip new ones. It is generally admitted that they must be removed. The Premier says so; the Commissioner of Railways says so; the Engineer-in-Chief says so; Mr. Allison

Smith, the expert, says so. He says the loss, "calculated upon the probable locomotive expenditure for the current year (1892) of £45,700, amounts to say £15,000, and, as the lines extend and more mileage is run, unless immediate steps"—I ask the House to pay attention to this—"unless immediate steps are taken to find a remedy, the loss to your taxpayers must increase in a similar ratio." Then he goes on to say: "I attribute a large proportion of this excessive cost to the absence of proper accommodation in the shape of convenient engine sheds, and well designed and efficiently equipped workshops." I say it is admitted that the present shops must be removed, and to that extent I am prepared to go with the mover of the resolution; but I am not prepared to support him when he says they must be removed to Guildford and nowhere else. I do not think that is a question which we in this House to-night are able to settle, but I think it is time this House passed some resolution that will commit this somewhat tardy Government of ours to move these shops from where they are at present. It was in 1892 that an expert of their own procuring distinctly stated that "immediate steps" were necessary in this direction, and it is now 1894.

MR. A. FORREST: Where is he now?

MR. ILLINGWORTH: Never mind where he is, or what he is. The point at issue is this: the present Government, who were then in power, thought and believed they were getting the best man possible to advise them; and I think, if I remember rightly, there was £100 awarded to him for his services, and a thank-offering in the shape of a very nice letter, expressing their gratitude to the Victorian Government for letting them have the services of this very valuable officer. It is quite time the House took some steps to commit the Government to some action in this matter. This session should not be allowed to close without our doing so—not to dictate to the Government where these shops are to be removed, but to have them removed somewhere. I am satisfied that the present site is wasteful, and that every pound expended on it is so much waste money. What we desire to provide for is that no more money shall be expended

upon a site which it is universally admitted is not a proper site, and which must eventually be abandoned. If the Government intend to spend £20,000 during the coming year, why not spend it on a new site, instead of the old? Why not make a beginning? Something has been said about the extra haulage of coal, if the shops are moved to Guildford. Have we not the Collic coalfield, which will be nearer to Guildford than to Fremantle? It has been argued, incidentally, that the Midland Railway is a private line. I submit it is not. I have said that over and over again, and I say it once more. It has been bought twice over by the Government, and, if it is not theirs, it is time it was. They have paid twice its value for it—once in land, and once in cash; and if they do not own it now, it is about time they did. One thing is certain: they will own it, by force of circumstances, and they will have to run it too. I ask what is the use of wasting more money on a site that is admittedly unsuitable, and growing more so every day? Let the Government fix upon another site, and the money they intend to spend during the recess let it be spent there. It will not be necessary to build the whole thing all at once, but a commencement should be made, and made without delay. Supposing we admit Mr. Allison Smith's estimate that two years ago we were losing £15,000 a year (which I think is a very low estimate), his words were that, as our lines extend, and more mileage is run, the loss must increase in a similar ratio. We have a largely increased mileage since then, or in contemplation—what with our Yilgarn line, our Coolgardie line, our South-Western line, and our proposed Bridgetown line and Collic line. Even supposing the loss were only £10,000 a year, that is equal to the interest and sinking fund upon £200,000; and it will not take that sum, nor the half of it, to provide what will do us for years to come. I do not think it is necessary that we should commit the Government, in this motion, to any particular site. I think we may safely trust them to settle upon the most suitable site. I would therefore ask the hon. member to strike out the words "to a site near the Midland Junction."

THE SPEAKER: The hon. member cannot amend his own motion.

MR. ILLINGWORTH: Then I will move, as an amendment, that the words "to a site near the Midland Junction" be struck out. The motion will then read, "That, in the opinion of this House, the Railway Workshops should be removed from Fremantle."

MR. TRAYLEN: I think, if the amendment suggested by the hon. member for Nannine be accepted by the mover of the resolution, there will be almost a consensus of opinion in the House in favour of the motion. [**MR. LEAKE:** I accept it.] We are all agreed that the site of the present workshops is too small to permit of that expansion that the wants of the colony will very shortly require; therefore the sooner it is removed the better. Some old man has said that two removes are as bad as a fire. There has been one remove already with these shops, from a smaller establishment to a larger one, and the next one will be the second. At the same time I strongly believe that a remove should be made somewhere where the area will be sufficient to provide for all the extension we shall require for many years to come. Possibly members may not have reckoned up lately how many miles of railway the Government will shortly possess; it will amount to 830 miles in a few years, when the lines now authorised are completed; in addition to which there are 540 miles of private railways, thus giving us the very respectable total of 1,370 miles of railway. This is approximating the 2,000 odd miles they have in Victoria, where their workshops takes a visitor two hours to make a cursory inspection of them; and, without saying much for Mr. Allison Smith one way or the other, I venture to say that these railway workshops in Victoria have been very admirably designed; and, so far as I could learn when I was over there, he was thought of very highly in his own country, in that particular line; and it was only in that particular line that we obtained his advice in this colony. If we go tinkering with the present shops, the expense will be very considerable; and it would be better, in my judgment, to commence at once where it is decided to have them permanently located, and there to erect whatever buildings and machinery may be necessary.

MR. RANDELL: It is somewhat satisfactory to myself and the majority of my colleagues on the Commission referred to that there is a very general consensus of opinion in accord with the conclusions we arrived at upon this question of the removal of the railway workshops. I may mention, for the information of members, that I entered upon that inquiry with a strong predisposition in favour of the retention of these workshops at Fremantle—largely on account of the vested interests involved. I believe it was very much due to myself that they were placed there in the first instance, there being a strong opinion in favour of having them in Perth; but from what little knowledge I had of such matters I thought the nearer to the terminus of the railway the workshops were, the better it would be. Of course, in those days it was the day of small things with our railways; and the workshops were on a small scale. But, from the evidence placed before us on that Commission, we could arrive at no other decision but that they must be removed from their present site, leaving it—wisely so, I think—to the Government themselves to decide when the proper time for their removal arrived. With regard to the proposed new site, if members will look at the evidence given before the Commission by the Engineer-in-Chief they will see that the hon. member for West Kimberley has no ground to stand upon when he says there are sites between Perth and Fremantle equal to the Midland Junction site. Several sites were surveyed by the department in order to ascertain their suitability. I thought myself that Bayswater would have been an excellent place, but when we came to inquire into the levels and grades we found it would not be so. We were told it would cost £50 an acre to level the ground fit for railway workshops. The same objection existed to the Subiaco site; and if you go beyond that, you cannot find a piece of ground at all suitable. That was the evidence of the Engineer-in-Chief.

MR. A. FORREST: I shall be glad to show him a hundred acres at any rate.

MR. RANDELL: A hundred acres would not be sufficient. If the hon. member would only read the evidence he would see. On the other hand, the

Midland Junction site is an admirable site in every respect. It is not necessary for me to enter further into the matter, for our opinions are on record,—opinions arrived at without any sense of any personal advantage to be derived. I certainly had no personal interest in recommending Guildford, and Mr. Quinlan's interests, if any, were at Fremantle, and, like myself, he was pre-disposed in favour of Fremantle, until we heard the evidence. I am very pleased to hear that the Government are contemplating taking active steps in this matter. I can quite sympathise in the policy they have pursued in not acting precipitately in an important matter of this kind; I do not think it is right to lightly remove an extensive public establishment like this, employing hundreds of men, from the place where it has been located for years. Everyone must admit it is a serious matter for Fremantle the removal of these workshops, though my own opinion is that they will gain eventually more than they will lose. But however desirous we all may be to preserve the interests of Fremantle, these are considerations which must give way to the general interests of the colony. With regard to this not being an opportune time for dealing with this matter, it is never inopportune to promote the best interests of the colony; and if the hon. member presses his motion I shall feel bound to support him, for my conviction is that the sooner these workshops are removed the better, and that no site can at all equal the site referred to at the Midland Junction, taking all the circumstances into consideration, for the reasons which are set forth in the evidence given before the Commission, by men whose opinions must be regarded of value. With regard to Mr. Allison Smith, the Engineer-in-Chief, who has had a large experience in the location of railway workshops, and who spoke from his own personal knowledge of Mr. Smith, expressed a high opinion of his ability in this direction. It has been attempted to throw some little dirt upon him to-night, but I believe that in the inquiry which was held in Melbourne in connection with his administration of the locomotive department there, though some people may be of opinion that he came out second best, my own opinion is that he came out first best. We gathered from the

Engineer-in-Chief that he had been to some extent extravagant, but that it was not his fault, as he was simply following out the general policy of the Government of the day. The colony was then apparently flourishing, and the order of the day was to spare no expense, to have everything of the best description, and that money was no object; and Mr. Allison Smith in his position followed the general policy of the Government he was serving. But his designing of the workshops at Newport, and also the workshops for the New Zealand Government was all that could be desired; according to the evidence of the Engineer-in-Chief, both these establishments were admirable specimens of what railway workshops should be. I am very pleased to hear that the Government intend to take the question into their serious consideration, and that they will deal with it before next session. I am sure, whatever decision they may arrive at, they will exercise an unbiassed judgment, guided only by the best interests of the colony. I cannot agree that it was at all out of place or inopportune for the hon. member for Albany to have moved in this matter. I do not think for a moment that he is influenced by the fact that he is the representative of another seaport town; I do not see how that could in any way influence him in a matter of this kind. Therefore, I think those remarks were entirely uncalled for.

MR. WOOD: I am one of those who think this motion is most inopportune. Seeing that there is so much urgent business before the House, and that the session is drawing to a close, I think it might have been left out, for the present, and all this long discussion avoided. In any case, I think the hon. member might accept the assurance of the Premier, when he says that the Government will take the matter into consideration during the recess. I think it is generally admitted that the present site of the workshops is not the most desirable one; at the same time I think there are other sites, nearer Fremantle, that are equally as good as Guildford; and I am going to propose a further amendment, which, if agreed to, will admit of a site being selected at or near Fremantle. I do not see why we should commit the Government to a resolution which will necessitate

them to adopt some other site than Fremantle. The resolution, as it stands, reads: "That, in the opinion of this House, the Railway Workshops should be removed from Fremantle to a site near the Midland Junction." If the amendment of the hon. member for Nannine were carried, the resolution would still commit the Government to remove the workshops from Fremantle. I propose that the words "from Fremantle to a site near the Midland Junction" be struck out of motion, and that the words "to a more advantageous site" be inserted, in lieu thereof. The motion would then read: "That, in the opinion of this House, the Railway Workshops should be removed to a more advantageous site." If a more advantageous site, and a suitable site, can be obtained in the vicinity of Fremantle, I do not see why Fremantle should not have the benefit of it. We must acknowledge that Fremantle has certain vested rights in these workshops, and I think it would be very hard if we ignored those rights.

MR. PEARSE: In opposing this motion, no doubt I shall be charged with being actuated by personal interests. [SEVERAL MEMBERS: No, no.] I am prepared to admit that the present site of these workshops is not all one would desire; but I am not prepared to admit that they entail a loss of £15,000 a year. Those who make such a remark must know very little about the matter.

MR. LEAKE: Poor Engineer-in-Chief!

MR. PEARSE: I admit it would be an improvement if the workshops were removed to a more advantageous site, but there is no necessity to go to Guildford to find that. There are places not far from Fremantle which would afford very good sites. There is a site at Rocky Bay which would be far more advantageous than the Midland Junction, being nearer a seaport. If these workshops are removed to Guildford, the whole of the material required for the shops and for the locomotives will have to be hauled a distance of about 25 miles from the landing place; whereas if Rocky Bay were selected they could be taken there by river or rail, in a very short distance. I think Rocky Bay would make a very good site.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I

cannot allow this motion to pass without saying a word or two upon it. My friend the hon. member for Albany, of course, could not afford to lose an opportunity of having a slap at the Commissioner of Crown Lands, who appears to be as a red rag to the bull of Albany, for on every occasion he gets he makes a rush at my unfortunate self as if I were a red rag and he the proverbial bull. The hon. member has thought it necessary on this occasion to assume the rôle of an amateur engineer. Having been sent to this House by a certain constituency which is in some sense a rival of the important constituency which I have the honour to represent, he feels it is absolutely incumbent upon him, representing a place which was once designated as the "fishing village" of the South, to make these attacks upon Fremantle, by way of fishing for compliments from his own constituents during "Albany week," shortly to take place. He thought this would be a good opportunity for having a drive at the Fremantle people. Assuming for the nonce the rôle of an amateur engineer and director of the public policy of the Government, he blames the Government for not showing more haste in endeavouring to do Fremantle an injury. It is true that a Commission was appointed to deal with this question of the removal of the workshops, but that Commission did not recommend that the removal should be made without delay. Nor was there any reason why this sweeping change should be made at once. It is not a small matter, this removal of extensive workshops like these. It is not a mere fleabite, even from a financial point of view, as it seems to the hon. member for Albany, to whom £50,000 is nothing, so long as he gets a slap at Fremantle. But where is this money to come from? This is one of those works which, in my opinion, should eventually come out of loan money. Some hon. members seem inclined to joke at vested interests, as if the vested interests of Fremantle were nothing worth thinking about—a town representing one-eighth of the whole population of the colony. Surely a town of this importance has a right to be considered in a matter of this kind. Its people, who have done as much, and are doing as much to contribute to the welfare and progress of the colony as

any same number of the community anywhere, if not more, are surely entitled to some little consideration, even from the hon. member for Albany. They have a right to have their interests protected, and their representatives in this House have a duty to perform towards them when they see those interests assailed. The removal of these works means a reduction in the value of property at Fremantle, and a large decrease in the weekly expenditure of the town. A large number of the men employed in these workshops, many of whom are married men with families, have invested their little savings in house property in the town, and surely they have some claim upon our consideration. I do not mean to say that their interests are paramount, when the interests of the whole colony are concerned, but it is an element that ought not to be overlooked, or too lightly dealt with, in connection with this question. As to Mr. Allison Smith, I do not profess to know anything about the gentleman professionally, but there can be no doubt that when he drew up this report he did it in such a way as to throw dust in the eyes of members, when he made it appear that the maintenance of our rolling stock cost 33 per cent. more than it ought to do, simply because these workshops were not what he thought they ought to be, in point of equipment. I say unhesitatingly that if Mr. Allison Smith had been called to the bar of this House, and I had had an opportunity of trotting around him for five minutes, I would have shown that what he stated in his report was an utter absurdity, and that the main cause of this increased cost of maintenance and repairs was due to the wear and tear caused by the tremendous grades and curves on our principal railway, going up the Darling Range. An effort was made by Mr. Allison Smith, backed up I may say by certain officials, who had no personal interests in the matter certainly, but who thought they were doing what was right in the interests of the colony—an effort was made to prove that these workshops cost the colony a large sum of money which they need not do if they were removed to another site; but I submit that this effort was in no way satisfactory. This is not the time to endeavour to change the current of thought of hon.

members, because I know too well that there are some members in this House who, when they arrive at a conclusion, no argument in the world is likely to divert them from that conclusion, right or wrong. If these workshops have to be removed, why should they be removed to Guildford, and nowhere else? Are they to be removed simply because the Government happened to buy a 200-acre block of land in that locality, suitable for any other purpose of public utility? Can any reasonable person argue that it would be an advantage to have these workshops at a place 24 or 25 miles from the port of discharge, necessitating the haulage for that distance of all the material required, rather than to have them in close proximity to the port of discharge? It is nonsense to talk about the advantage. Why should we remove these workshops all that distance from Fremantle when there may be a site found within a mile or so of the present site, presenting advantages which the more inland site cannot possibly present? I deny *in toto* that it has been proved that a suitable site may not be obtained between Perth and Fremantle. The Premier assures me that a survey has not been made of all the likely sites, and I believe myself that as good a site as the Guildford site could be found much nearer Fremantle, though not containing so large an area. But do we want 200 acres of ground for our workshops? What is our railway system coming to that we should require an area of 200 acres—a good sized township—to build our workshops upon? Where in any of the other Australian colonies, I ask, can you show me a site where their workshops occupy 200 acres of ground? Silence, I observe, reigns around. I have it upon the Engineer-in-Chief's own authority that nothing like that area of land is necessary for our requirements. I think the motion is unnecessary and inopportune at the present moment; nor do I think it has emanated from the proper source. I think the Government are the best judges and the proper authority to determine this question, and upon them should rest the responsibility of carrying out the work if they think it absolutely necessary, and to find the money for doing so. In the next place, I cannot admit for a moment that it has

been shown that, if removed, there is any absolute necessity to remove these workshops to Guildford. That remains an open question yet. It is quite within the reach of probability that an equally good site may be obtained within close proximity to Fremantle itself. I make no *ad misericordiam* appeal to members on behalf of Fremantle. There is no necessity for it. I am one of those who believe that though the removal of these workshops from Fremantle would be a serious injury to the people of the town, yet they possess sufficient vitality to survive even this attempt by the hon. member for Albany to injure them. At the same time we must remember that these people have made Fremantle what it is, and, in doing so, they have contributed to the growth and prosperity of the colony as a whole, and therefore are entitled to some little consideration at the hands of this House and of the country. They contribute, as I have said, one-eighth of the revenue of the colony, if not more, and, that being the case, surely they are entitled to have their interests considered in this matter, unless it is absolutely proved that the conservation of their interests would be absolutely detrimental to the interests of the whole colony. I feel sure that the majority of members in this House do not desire it, unless it is proved that such would be the case.

MR. SOLOMON: I should like to make one or two remarks on this question before the debate closes. At the time when Mr. Allison Smith was invited to come to the colony to report on our railway system, it must be remembered that the working of our railways was then causing a loss to the colony of something like £15,000 a year, and it was to ascertain what was the cause of this loss that Mr. Allison Smith was invited to come over here. The conclusion he came to was that this loss was due in a great measure to the inefficiency of our locomotive workshops. But recent developments have shown that our railways, so far from being a source of loss to the colony, are a source of profit; and if it was right to blame these workshops for the loss, it is equally right to credit them with the profit we are now receiving from our railways. Mr. Allison Smith was only a few days in the colony, and he jumped at the conclusion that a site 22

miles from the sea-coast was the most suitable site we could have for these workshops. I am told that he did not spend more than two hours of his time at Fremantle, and in that brief and hurried visit he came to the conclusions embodied in his report. I take it that no member here has any desire to do an injustice to the interests of Fremantle, so long as those interests do not clash with the interests of the country at large. It may surprise members to learn that only a few weeks ago the Engineer-in-Chief, accompanied by a gentleman from Fremantle, visited a spot on the South side of the river, not more than a quarter of an hour's walk from the present railway station, and he approved of a piece of land shown him there, which is nearly perfectly level, and contains upwards of 100 acres. Although it is private property, I believe it could be purchased at considerably less than what the Government are asking for adjacent land. There is Rocky Bay, too, another good site for workshops. With an expenditure of £100 or £200 a jetty could be put up there, and all the coal and iron and other material could be taken there from the ship's side with only one handling. That is a point worthy of some consideration. These are facts which the Commission that reported on this subject was not aware of when they made their report. I feel sure, myself, that if a careful inspection is made of the land in the vicinity of Fremantle, a piece of ground suitable for this purpose could be found that would be quite as adapted as the Midland Junction, and more so in some respects. I hope the Government will very carefully consider this matter before taking any action, and that whatever is done the interests of Fremantle will not be overlooked.

MR. LEAKE: I think I am allowed a few words in reply. It seems I was right in my speculation when I thought this motion would give rise to a considerable amount of debate, but I am very glad to see that there is such a strong feeling in favour of the principle underlying the motion. I accept, without any hesitation whatever, the amendment moved by the hon. member for Nannine. The resolution would then commit the House to an expression of opinion that the workshops should be removed from Fremantle, with-

out saying where. But I cannot accept the amendment suggested by the hon. member for West Perth; it is no improvement at all, and seems to me only an alteration in the phraseology, and not in the intention, of the resolution. If these workshops are removed to "a more advantageous site," does not that necessarily imply their removal from Fremantle. [MR. WOOD: No.] I see; you want them removed from one part of Fremantle to another. Then I unhesitatingly say I cannot accept that amendment. If the resolution as amended by the hon. member for Nannine is carried, it would not tie the hands of the Government in any way at all; they would merely be committed to the general principle of removal. I have been accused in this debate of having a slap at Fremantle, and of the heinous offence of being an amateur engineer. I do not know that anything I have said would justify this accusation. Assuming for the sake of argument that I am having a drive at Fremantle, what am I driven by? I am driven by expert opinion, I am driven by the expressed opinion of the Minister of Railways himself, and I am driven by the professional opinion of the Engineer-in-Chief. Therefore it is absurd for the Commissioner of Crown Lands to accuse me of bringing this matter forward in order to have a dig at Fremantle, and to fish for compliments from my constituents. It does not matter a fig to my constituents whether these workshops are at Fremantle or anywhere else. I am actuated solely by the idea that it would be in the interest of the general community that these workshops should be removed from their present site, and in that idea I am supported by the highest authorities on the subject. With regard to the observations of the hon. member for West Perth, I am sorry to say this is not the first occasion on which that hon. member has deprecated discussion. On several occasions when matters of interest and importance have been brought under discussion, the hon. member has urged that it was only wasting the time of the House. I do not agree with the hon. member, nor do I think the majority of members will agree with him when he made use of words practically deprecating the discussion of an important question like this. It is idle to say that the time

is inopportune, or that it is too late in the session. The matter has been before the country and before the House for the last two years, and the notice of my motion has been on the paper sufficiently long to enable members to relash their opinions and to consult all the authorities if necessary. One of the chief arguments against the resolution is this: that we would be forcing the hands of the Government, that this is a question for the Government to deal with, and that above all things we ought to be satisfied with the assurance of the hon. the Premier. Well, sir, that is not politic, from my point of view. I cannot accept the proposition that we have been sent here by our constituents to swallow, *holus bolus*, everything the Government like to put before us. They might as well put in a lot of blackfellows, if that is what we are sent here for. I may say at once that I did not come here as a mere machine, or to do what I am told to do by any member in this House. I think there are many subjects that require to be discussed before we leave them to the tender mercies of the Government to do with them as they please; and, if ever there was a question which this House has a right to discuss, this is one of them, and an important one. Is it not accepted, in principle, by the Government itself? All the Premier says, in effect, is that he is sorry the question has to be dealt with. Why? Because he is afraid of losing a little support from that part of the House representing Fremantle. That is the reason why he is sorry. If the Government will not take the initiative in this matter, because they are afraid of losing a little support, it is the duty of Parliament to force them. We are not here to give a servile and unreasonable support to everything brought forward by the Government; and I am glad to think that on this side of the House, at any rate, there are members who will think for themselves, and do what they think is right in the interests of the country. I say that, so far from embarrassing the Government, this resolution, if carried, will strengthen their hands, and assist them out of a difficulty; and why? Because they are afraid to bring forward such a resolution themselves; but, if it is forced upon them by Parliament, they are provided with a buffer which they

can interpose between themselves and those whom they are afraid to offend. If they are blamed, they will be able to say: "It was not our work; we were forced to it by the unanimous wish of the House, or, if not by the unanimous wish, by the wish of an overwhelming majority." I ask members to look at this question from a national point of view, and not from a local point of view. I hope the motion as amended by the hon. member for Nannine will be carried without a division; or, if the other side force us to a division, that it will be carried by such an overwhelming majority that this Government or any succeeding Government may be able to rely upon it, and fall back upon it, and say that in what they are doing they are supported by the voice of Parliament and the voice of the country.

THE PREMIER (Hon. Sir J. Forrest): I am sorry to see that there has been a little feeling introduced into this debate.

MR. LEAKE: It is on your side, then.

THE PREMIER (Hon. Sir J. Forrest): "When we have a majority, why should we give in to you?"—that is what I heard the hon. member for Nannine say across the table. No doubt they may have a majority; but the Government have assured the House that they intend to deal with this matter during the recess. That was accepted by a great many members, and it was almost accepted (if not altogether) by the leader of the Opposition. But, in addition to that assurance, we have the amendment proposed by the hon. member for West Perth, that these workshops should be removed to "a more advantageous site," not necessarily away from Fremantle. If that is carried the House will further have the assurance of the Government that the matter will be dealt with before Parliament meets again. Can any reasonable person require more than that? I do not know at present, and am not in a position to say where there is a site in Fremantle suitable for this purpose. I am inclined to think, speaking from my own knowledge, that there is not. But I do not know, and I do not see that I am bound to exercise my judgment and to commit myself on the point, at the present moment. Why tie up our hands more than is necessary? I hope the House will accept the assurance of the Govern-

ment, and vote for the amendment of the hon. member for West Perth, that it is desirable in the interests of the country that these workshops should be removed to some more advantageous site. That will leave the matter in the hands of the Government, and they will not be relieved from responsibility in the matter. I think if members opposite are in earnest in this matter, if they only wish to serve the public interest, and to have these workshops placed in the best position possible, they ought to accept the amendment of the hon. member for West Perth.

MR. R. F. SHOLL: I think the amendment simply aims at the same object as the original resolution, namely, that these workshops should be shifted from Fremantle. We know very well that the most suitable site is that suggested in the motion itself. I think very few members entertain a different opinion. That being so, why should they not loyally support the original motion? I think any member who brings forward an important matter of this kind, in the interests of the country, should be supported, and that no attempt should be made to deprive him of the *kudos* attached to it by some paltry amendment, which really only amounts to the same thing.

MR. JAMES: I did not intend to speak on this subject, preferring to leave it to be discussed by those whose opinions on such a question are worth having. There is only one opinion on the main question—the necessity for moving the workshops from where they are at present located; and, as the consensus of professional opinion is in favour of their removal to a site near Guildford, why should we seek to juggle with the question by adopting verbal amendments which really have no significance at all? To remove these shops from Fremantle is to remove them to a more advantageous site. The only difference at all between the amendment and the original resolution is that the amendment leaves a loophole for the erection of these workshops in some part or other of the town of Fremantle. I say unhesitatingly, if the Government are prepared to accept the amendment of the hon. member for West Perth and not the original motion, the only inference that can be drawn from their action is

that they think it possible there may be some suitable spot at Fremantle. But, if the report of the Commission, and the professional evidence, is of any weight at all, it is of sufficient weight to justify this House in supporting a resolution affirming the desirability of removing the workshops from Fremantle, and so giving effect to the recommendation of the Commission.

MR. CONNOR: I fail to see where the benefit to the colony will come in if the motion were passed in favour of removing the railway workshops to Guildford, and nowhere else. It means an extra haulage of 24 or 25 miles of every ton of material required for these workshops. Why there should be a dead set against Fremantle on the other side of the House, I do not know. It seems to me it is not a question of which is the best site, at all, but a question of removing these shops anywhere out of Fremantle. The name of Fremantle seems to have the same effect upon some hon. members in this House as a red rag has upon the proverbial bull. Supposing Owen's Anchorage is found to be a suitable site for these workshops—which, I think, it is—they could not be removed there if this resolution were passed in its original form, or with the amendment of the hon. member for Nanine. No matter how suitable it is, and how much to the interest of the colony it would be to have the workshops there, it could not be done. No; they must go to Guildford, and nowhere else. I think that members on both sides of the House should accept the amendment of the hon. member for West Perth, which appears to me to be only reasonable and right, as it allows the Government more scope to select the best site available. For that reason I intend to support it.

MR. RICHARDSON: The hon. member for East Perth and other members gave it as their opinion that if we are to accept the dictum of the Commission that reported on this subject, we must accept no other site than the Midland Junction.

MR. JAMES: I never said so.

MR. RICHARDSON: If some hon. members say it is no use looking for a suitable site at Fremantle, but only at the Midland Junction, why have they consented to certain words being erased? The very fact of consenting to those words being struck out implies there is a

possibility of getting a site somewhere else—perhaps in Fremantle, or near it. The amendment implies the most advantageous site, wherever that may be, and that is where we assume the Government will erect the workshops, upon the passing of this resolution; and, at the same time, this amendment does not give to Fremantle that back-handed slap which says the workshops shall not be at Fremantle, wherever else they may be.

THE PREMIER (Hon. Sir J. Forrest): Fremantle, I take it, means any part of Fremantle.

Question—That the words "from Fremantle," proposed by Mr. Wood to be struck out, stand part of the question—put, and division taken, with the following result:—

Ayes ...	10
Noes ...	13
Majority against ...	3

AYES.	NOES.
Mr. Clarkson	Mr. Burt
Mr. Hooley	Mr. Connor
Mr. Illingworth	Sir John Forrest
Mr. James	Mr. A. Forrest
Mr. Leake	Mr. Marmion
Mr. Phillips	Mr. Moran
Mr. Randell	Mr. Pearse
Mr. R. F. Sholl	Mr. Richardson
Mr. H. W. Sholl	Mr. Solomon
Mr. Loton (Teller).	Mr. Traylen
	Mr. Venn
	Mr. Wood
	Mr. Paterson (Teller)

Question negatived, and the words struck out.

Further question—That the words "to a more advantageous site," proposed by Mr. Wood to be inserted, be inserted—put and passed.

Motion, as amended, put and passed.

SOUTHERN CROSS-COOLGARDIE RAILWAY BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

MULLEWA-CUE RAILWAY BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

SCAB ACT AMENDMENT BILL.

THIRD READING.

Read a third time, and transmitted to the Legislative Council.

GOLDFIELDS ACT AMENDMENT BILL.

IN COMMITTEE.

Clauses 1 and 2 :

Agreed to.

Clause 3.—Leases may be granted for mining :

MR. JAMES said sub-section (2) of the second paragraph exempted from leasing any land occupied under a business license; therefore, would not this exemption tend to give an undue interest to the holder of a business license, as he would not only have the surface right, but the mining right also, or the right to prevent mining? There should, in such cases, be a provision for mining, subject to the surface right being maintained and damage prevented.

THE ATTORNEY GENERAL (Hon. S. Burt) said this portion of the clause was law at present.

MR. LEAKE said that, by comparing this sub-section with Section 11 in the Act, a material alteration would be seen, as this provision went further than that in the existing Act.

THE ATTORNEY GENERAL (Hon. S. Burt) said this Bill did not repeal Section 11.

MR. LEAKE said that was so, but this clause would give to the holder of a business license a right to something below the surface. It was never intended that the right to occupy temporary residence or business areas should prevent mining.

THE ATTORNEY GENERAL (Hon. S. Burt) said the objection was met by Sections 10 and 11 of the existing Act.

MR. JAMES said that, after a lease had been in existence five years, there should be an increased payment, whereas only £1 a year was to be charged. If a leasehold proved to be a good thing, and worth renewing at the end of five years, it should be worth a higher rental.

MR. SOLOMON said the hon. member should consider the position of leaseholders at Southern Cross, where thousands of pounds had been spent on properties that were not now earning a dividend in many cases.

Clause put and passed.

Clause 4.—Entry upon lease for alluvial :

MR. LEAKE said the principle of this clause was good, but what sort of a title

would be acquired under the miner's right? Comparing this clause with Section 9 of the existing Act, he asked whether a miner would not acquire a mining right which would interfere with the co-existent right of a leaseholder, if the holder of a miner's right was authorised to sink for alluvial on a leasehold up to a certain distance from the reef.

THE ATTORNEY GENERAL (Hon. S. Burt) said that under Section 13 of the principal Act a miner's right stood good, even if the holder of that right applied for a lease of the same ground. Therefore, when a miner was in possession of ground under his miner's right, and he applied for a lease, the application did not affect his miner's right, but he could put off the same ground anyone else who had not got a miner's right. Land held under a miner's right was sacred to the holder, and could not be entered on by another.

MR. LEAKE suggested that additional words be added to this effect: "Until the warden shall have declared the alluvial as worked out," or, say, "until the lease is issued."

MR. MORAN said it would not do to allow the warden to say a certain property was worked out.

MR. JAMES said the provision was to apply only until the lease was granted.

THE ATTORNEY GENERAL (Hon. S. Burt) said there was no objection to add words as suggested by the member for Albany.

MR. A. FORREST said he had a prior amendment. In the fourth line he moved that the word "fifty" be struck out, and the words "one hundred" be inserted in lieu thereof. He said that, in many cases, the dip of a reef disappeared, and perhaps cropped up again half-a-mile distant, so that a specified limit of fifty feet distance was not a sufficient protection. The warden at Coolgardie had ruled that the distance should be twenty feet, although where the warden got authority for doing so he (Mr. Forrest) could not see. It was decidedly objectionable that after a man had, with great trouble, found a reef, he was to be interfered with by alluvial diggers who had done nothing towards discovering the ground. In many cases it would be impossible to tell where a line of reef was running. This amend-

ment for making the distance one hundred feet would not be a hardship to men engaged in alluvial digging.

MR. R. F. SHOLL said there was justice in the amendment. The discoverer of a payable reef had to peg out his claim and register it, and he should have fair protection for his discovery. A great deal of the shedding of a reef extended some distance down. The gold found in that situation might not be alluvial, and yet the alluvial miner would be allowed, by the clause, to come within 50 feet, and might perhaps take some of the registered portion of the claim, the discoverer having perhaps spent months in finding it. A rush ensued on a rich discovery, and other men pegged out all over the place. Some might peg out before the original discoverer knew the actual direction of the reef. A reasonable distance should be specified, for the protection of the original discoverer. No one wished to deprive diggers of the gold that was really alluvial, in the locality of a claim.

MR. MORAN asked the Government not to consent to this amendment. A reef might dip between two points a thousand feet apart, and was the original discoverer to be protected over all the intervening space? Out of a thousand claims around Coolgardie, he affirmed that not ten reef-holders would shut out the alluvial digger, who had a right to take advantage of the bounty of nature. The finding of alluvial led to the discovery of a reef. There had not been a reefing discovery in this colony without the prior discovery of alluvial leading to it. Some properties at Coolgardie contained four different lines of reef, and the amendment would secure to them 600 feet in breadth of country, so that all alluvial diggers might in that way be shut out. He maintained that whatever was loose from the reef should be open to the alluvial digger. A man who took up reefing property had no idea of going for the alluvial gold in that ground.

MR. ILLINGWORTH said some leases comprised six acres, and as the amendment would reserve one-and-a-half chains of distance on each side of a reef, very little would be open to the alluvial digger. The reefer himself liked to see the alluvial digger on the leasehold, as the leaders were tracked in that way. It was customary, in mining, to allow alluvial

diggers to go all over a reef, but this amendment would give a right to search for alluvial only between the time of applying for a lease and the granting of it. The alluvial digger should have a right to go on the ground at all times, so long as he did not interfere with the working of the claim. No lease should be granted on any goldfield until that field had been properly worked for alluvial. That was the case in the best digging times in Victoria, and the practice worked well. Rather than see the fifty feet, in the clause, increased to a hundred feet, in the amendment, he would prefer to see the clause lost. The amendment was an attempt to legislate for such a case as that of the Wealth of Nations.

MR. LEAKE hoped that if the fifty feet distance were struck out of the clause, the distance would be reduced to fifteen feet or some small measure. The heavy gold shed from a reef was usually found within a few feet of the reef. The alluvial miner should be encouraged, and not be shut out, because he was, as a rule, the pioneer.

THE PREMIER (Hon. Sir J. Forrest) said a man who took up a lease wanted to have possession of the ground and to get on with his work, but if he had a hundred dry-blowers about the reef, how was he to get on? Under the present law a man who went on to a leasehold was a trespasser, but this Bill would give him a right to go on the claim and all over it until the lease was issued. The clause should define a reasonable distance from the reef. The discoverer of a reef wanted to have quiet possession, to some extent. His (the Premier's) opinion was that while a distance of 50 feet was too little, a hundred feet would be too much. He suggested that the amendment should be altered to one chain, 66 feet, as a reasonable distance. This would give to the alluvial digger a good deal that he had not at present.

MR. CONNOR said if a leaseholder erected his small plant within fifty feet of the reef, would it be fair for the alluvial digger to claim a right of digging for alluvial where the plant was erected?

MR. A. FORREST said that as the hon. member for Nannine had stated, the amendment was an attempt to legislate for the Wealth of Nations, he would

withdraw the amendment, on the ground that this motive had been imputed.

MR. ILLINGWORTH said he had no intention of imputing a motive. What he had meant to say was that this House was not legislating for the exceptional circumstances of the Wealth of Nations, which did not resemble the vast number of mines that had to be dealt with. He did not intend to make a personal charge.

THE CHAIRMAN said he did not think a charge had been made against anyone.

Amendment, by leave, withdrawn.

THE ATTORNEY GENERAL (Hon. S. Burt) moved, as an amendment, in the sixth line, that the words "until a lease is granted" be inserted after the word "gold."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 5 :

Agreed to.

Clause 6.—Jurisdiction of District Courts, as to place :

MR. LEAKE said these Courts would have equal jurisdiction, and as the proviso in the clause would enable a warden to send a case from one to another district court, what was there to prevent a warden, to whom a case was so sent, from sending it back?

THE PREMIER (Hon. Sir J. Forrest) said the objection was only an imaginary one.

THE ATTORNEY GENERAL (Hon. S. Burt) said the reason for giving such a power was that the witnesses in a case might reside nearer to one court than to another.

Clause put and passed.

Clauses 7 and 8 :

Agreed to.

Clause 9.—Regulations confirmed :

MR. LEAKE said he had a proviso to propose. The objection he had pointed out, on the second reading, was the retrospective effect of this clause. The hon. member for East Perth had said there would be no objection to apply the clause to titles that had not been attacked; but as the clause applied to titles that had been attacked, this was going farther in retrospective legislation than had been attempted before. He therefore moved that the following words be added to the clause: "Provided that this section shall

not extend to or affect any legal proceedings pending in any court, or any petition of right presented before the passing of this Act." He said this amendment would save existing rights of action. Where a person had attacked another party's title, surely the litigant was entitled to have the question of title decided by a proper tribunal, and it was not right for this House to step in and settle the question by legislation, where only the interests of individuals, and not of the Crown, were concerned. There was an appeal pending now, in the Supreme Court, and it had to be heard at the sitting of the Full Court on Tuesday next. There were also two or three petitions of right, which had not yet been sent to the Supreme Court, and perhaps the reason was that they were awaiting the result of the pending litigation. Why not allow the parties to fight out the question in court? The time being past midnight, he moved that progress be reported, and leave asked to sit again.

THE PREMIER (Hon. Sir J. Forrest): We can understand the amendment, without reporting progress.

Motion—That progress be reported—put and negatived.

THE ATTORNEY GENERAL (Hon. S. Burt) said he could not understand the position of the hon. member for Albany, who had lost that balance of mind which generally distinguished him. The hon. member had said there were no precedents for legislation of this kind; but, taking up casually a volume of statutes of the Imperial Parliament, he (the Attorney General) found therein case after case very similar to this. It followed that, when Parliament made regulations, and allowed people to acquire titles under them, it was the duty of Parliament to come to the rescue of those regulations, when titles so acquired were attacked. That was the spirit of fairness with which this House ought to be actuated for preserving the rights which persons had acquired under the Goldfields Act and Regulations. It was no spirit of fairness to allow persons to come in and attack the title of a man who had, *bonâ fide*, acted under these Regulations. What spirit of fairness was there in allowing a man to have a shot, in trying to capsize the titles of other people, acquired under an Act of Parliament and

Regulations made thereunder? When the Court had decided that such a man had no justification for attacking titles acquired under an Act and Regulations, what fairness was there in then trying to upset the Regulations? What would be said by the man whose title was attacked? He would say: "You (Parliament) have here a chance of making good my title, instead of allowing my hands to be tied for an indefinite time, while a speculative gentleman is endeavouring to show the Regulations are invalid." Well, this House knew that the Supreme Court had already said the Regulations were all right.

MR. LEAKE: You know it is pending appeal.

THE ATTORNEY GENERAL (Hon. S. Burt) said the Regulations had been supported by the Court, so far as the Regulations had been brought before the Court. That decision was pending appeal, he supposed, but there was no reason to think the judgment of the Court would not be affirmed by the Full Court on appeal. But the effect was to work an injustice to persons who had every right to consider that these Regulations, framed under the Act, were properly made, and those persons were injured by having their rights hung up until the litigation was finally ended. The injustice of the present position was that questions had been raised by certain persons who had themselves tried previously to get what they could out of the Regulations, and because they failed in their facts, and were worsted in the contest, those persons now wished to overturn the Regulations, and say they were void. That proceeding must affect the whole object of other persons who had acquired rights in mining properties in the same manner. If there was any spirit of fairness in Parliament, it was the bounden duty of this House to support the Regulations, and not to allow them to be impeached. Whoever dreamt these Regulations would be impeached on grounds of this sort? Nobody. Such a thing ought not to be allowed for a moment. It was the paramount duty of this House to come to the rescue of those people whose titles were affected and whose rights were hung up. In reference to the cases then before the Court, it would be most unfair for the

Legislature to now stand aside and allow those persons who had acquired titles under these Regulations, made with the authority of Parliament, to fight out the question—that was to fight out the validity of regulations made with the authority of Parliament. What was the gist of it? He could not see, nor admit, any justice in the attempt to upset the regulations. Hon. members knew the regulations were intended to be valid, and were made as valid as they could be made by precedents being followed; but now the Legislature was asked to stand aside, and to allow somebody to have time for capsizeing the Regulations, if he could. He (the Attorney General) said, on the contrary, that it all ought to be stopped at once; and to take that course would not be passing retrospective legislation in the sense that people generally spoke of legislation being retrospective, for in the latter sense legislation was retrospective by altering a state of things that had arisen, and applying the law to some prior period. The Government affirmed that the proposed enactment had been previously intended to be the law, and everybody's title was based on this law; and if it was now said the law had not been properly made, the Legislature should come in and say this law should be deemed to have been properly made. The man who was seeking to show the invalidity of these Regulations had no right to show such invalidity, if on any technical oversight it could be shown.

MR. R. F. SHOLL said that if the amendment was to be accepted, in principle, the whole of the 9th clause should be struck out, because he could not see the justice of excepting the cases of those persons whose title had been attacked by the hon. member himself. The only case in which a title had been attacked was that which had been now decided by the Supreme Court, where the question at issue was whether the Regulations made under the Act were *ultra vires* or not. The Judge who tried the case decided that they were not. The hon. member for Albany, representing in his professional capacity certain parties, had conducted their case in court, and afterwards appealed against that decision; and so the hon. member, if beaten before the Full Court, might appeal further to the Privy Council in London, and thus

keep this property hung up until it was of no value to any one. It was now a question for this House to say whether those parties before the court should be allowed to fight out the disputed validity of these Regulations. But now that the Government were proposing, by this 9th clause, to protect other titles that had not yet been attacked, it would be most unfair to allow those titles which had been attacked to remain the subject of litigation. That would be the effect of accepting the amendment. There was hardly a gold-mining lease in the whole colony that would not be the subject of this kind of attack, if such actions were allowed to go on; and what would be the result to the Government? The Government would become liable to no end of actions for compensation, on account of their not having given a proper title. He did not think the hon. member for Albany would have taken such a great interest in this matter, if he had not been attacked in a particular case. The hon. member, as a legal advocate, had got a rich mine behind him, and did not care, as the fee would be there all the same; so he could afford to take the case to the Full Court on appeal, and if he did not succeed there he would take it to the Privy Council. But all the while this litigation lasted, the development of these mining properties would be prevented. He (Mr. Sholl) did not see why individual leaseholders should bear the brunt of testing whether the Regulations made under the Act had the force of law or were *ultra vires*.

THE CHAIRMAN: Statements have been made that the hon. member for Albany is personally interested in this question. If so, I should like to call the hon. member's attention to Standing Order 192, as follows:—"No member shall be entitled to vote in any division upon a question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed."

MR. LEAKE: I shall have a few words to say upon that point.

MR. JAMES, referring to Clause 9 of the Bill, said he had been astonished to hear the Attorney General say this proposed legislation was not retrospective. A question as to whether by-laws were

invalid or not was a question constantly raised in the courts in every part of the world. Parliament gave power by statute to make regulations, and they were of the same nature as by-laws; but whether the regulations so made were good or bad must depend on a due compliance with the Act which gave the power. Regulations made under the Goldfields Act had been called in question as to their validity, and a litigant had complained that a valuable property had been wrongfully taken from him under Regulations which he alleged to be bad. Clause 9 proposed to cure that illegality, if such existed; therefore, if such legislation was not retrospective, he (Mr. James) never heard of legislation that was retrospective. In this case his sympathies were wholly with the jumpers, who claimed their title under the Regulations. The other individuals claimed that the jumpers had taken the property by virtue of the Regulations. Surely, the question whether the Regulations were good or bad must trench on the principle of retrospective legislation. If Parliament made the Regulations good by passing this clause, assuming they were bad, a legal sanction would thus be given to an illegal action, by which property had been taken away from the legal owners. If the Attorney General were sitting on the bench as a Judge, he (Mr. James) ventured to think that Judge's opinion on this subject would be a totally different one. Many statutes had been made with a clearly understood intent, but, the drafting of the statute being bad, the intention had not been clearly expressed in words, and in such cases the statutes had been held to be inoperative. The contention of the Attorney General was that every time a statute was questioned, a Bill should be introduced for affirming the law in a certain way. He (Mr. James) affirmed there were thousands of cases in which statutes had been questioned, and in only a few cases had retrospective legislation been attempted. Every individual had a right to question regulations made under a statute; and, if individuals had a right to do it, Parliament should not deprive them of that right in a particular case. A right of action had been defined as being as much a property as real estate. A right of action in a particular case was as much a vested right as a right to

property. No objection was raised to the confirming of existing titles that had not been attacked; and, he asked, was it worth while to violate a principle for the sake of giving protection to two or three individuals?

Mr. LEAKE moved that progress be now reported, and leave asked to sit again.

Motion put and negatived.

Mr. ILLINGWORTH, referring to the clause, said this was not so much retrospective legislation as amending legislation. Under the Regulations, supposed to be good, a large number of titles were pending, and large sums of money were at present lying in the Perth banks awaiting the decision as to whether the Regulations were valid or not. The question could be settled by allowing the particular case to go to the courts, but if there was to be appeal after appeal, months or years might pass over before a final decision was reached. Retrospective legislation might be bad, in principle, but the present was a critical time in the history of mining in this colony, and the slightest doubt cast on the validity of titles to mining properties might be sufficient to turn the whole tide of monetary investment away from Western Australia. Supposing this to be retrospective legislation, was there not a great responsibility resting on Parliament to make good the titles to properties which were now being floated in the London market? Was there not a duty on this House, if there were a possible way of doing it, to make these titles good and to put them in a position in which they would be unquestionable? The fact of this Bill being passed, with the 9th clause, would release the whole of the moneys now held in suspense in banks on account of properties affected by this question as to the validity of mining titles. It was not to the interest of this colony that there should be delay in these transactions. It might be putting the matter on a low ground, but the question was too serious for delay. The loan which this colony was about to put on the London market might be affected materially by this question of the validity of titles, if the question were seriously regarded among financial investors. Under existing circumstances it was better to pass the

clause intact. Even in this Parliament retrospective legislation had been passed on vastly less important matters than this, and because of the immensity of the interests involved, and having regard to the future prosperity of the colony, he asked hon. members to pass this clause in such a way as would settle the question for all time. The hon. member for Albany had said there is a right of action existing. In answer to that he would reply that there is a right of property existing; and if the hon. member, as an advocate, took the case on appeal to the Privy Council, was he prepared, as member for Albany, to accept the decision of the Privy Council in the Albany case as being better than the decision of the Full Court of Western Australia? Were members of this House prepared to put the whole of the titles in mining properties to the issue of a decision by the Privy Council in London, who knew nothing about the circumstances of this colony? It was not safe to take that course, by trusting these titles to a possibly mistaken decision of the Privy Council. Why should members consent to a course which would hang up all this money, and place all these interests at the mere chance of a wrong decision, when there was a constitutional power to amend any possible mistake by declaring what had been meant by a certain law, and also by declaring that when Parliament made certain regulations, they were intended to express certain things? Upon a merely technical point of law, it was not advisable to take the course proposed by the hon. member for Albany.

Mr. RANDELL said the only case which the hon. member for Albany wanted to except from the operation of the clause was a case now before the court. Then why should not the House adopt the proviso in the amendment? By not doing so, a great act of injustice might be perpetrated by Clause 9, if passed without the proviso. He found that in nearly every instance where cases had been pending when retrospective legislation was passed, such cases were excepted. If the titles of the persons whose interest had been questioned were so secure as the Attorney General represented them to be, there would be no harm in accepting the proviso in the

amendment. The argument of the hon. member for Nannine had been upon wrong lines. He (Mr. Randell) would not allow such legislation to pass without entering his protest against it, because it opened a door to the perpetration of injustice, by interfering with the course of justice in the Courts.

MR. LEAKE again asked the Government to report progress, and said he could promise that, if this were not done, the debate would be continued two or three hours longer. He would speak for two hours, if he commenced.

THE PREMIER (Hon. Sir J. Forrest): You are not acting fairly.

THE ATTORNEY GENERAL (Hon. S. Burt): We are in the last week of the session.

MR. LEAKE moved that progress be now reported, and leave asked to sit again.

Motion put and negatived.

MR. LEAKE said he was astonished that the Government were attempting to force Clause 9 through the House in this manner—that they could be guilty of what he considered to be an act of gross injustice.

THE CHAIRMAN: The hon. member must not use that language.

THE PREMIER (Hon. Sir J. Forrest): You must withdraw that.

THE CHAIRMAN: I cannot allow the hon. member to use that language.

THE PREMIER (Hon. Sir J. Forrest): I rise to ask that the hon. member be called upon to withdraw the words "gross injustice."

THE CHAIRMAN: The hon. member must withdraw the words. I cannot allow them.

MR. LEAKE: I move that the Speaker's ruling be obtained. I said, "If this Bill is passed you will be doing an act of gross injustice."

THE CHAIRMAN: You did not say "if this Bill is passed." You said the Ministry and this Parliament are doing an act of gross injustice.

MR. LEAKE: Those are the words I intended to use. If I used the other words I will withdraw them, and repeat those words: that if this Bill is passed, this Ministry and this Parliament will be guilty of an act of gross injustice.

THE CHAIRMAN: I doubt whether you are not out of order now. You must

attribute the best motives to other members of the House.

MR. LEAKE: I have made use of the expression deliberately. If you, sir, think it calls for a ruling on your part, I am prepared to bow to your ruling, subject to the ruling of the House.

THE PREMIER (Hon. Sir J. Forrest): You are obstructing now.

MR. LEAKE: I am not obstructing. You have no right to say so. It is sometimes said, in this House, that it is useless to speak to hon. members when their minds are made up—you must speak to the country. I am sorry to say the remarks I am about to make are not likely to reach the country, because the hour is now so late that I may not be reported. In these circumstances I suppose it can't be said, "Speak to the gallery." Referring to the Bill, the hon. member said the effect of adopting the proviso which he had proposed, if the House would only accept it, would be to validate every title to mining property that depended on the Act and the Regulations, excepting only the titles to two leaseholds that were now in dispute. The proviso only excepted disputes with regard to two properties, and the points at issue were identical in those cases. The question in those cases was whether the claimants on one side had gone the right way to acquire titles; whether either side, and if so which side, had complied with the Regulations. For some reason or other, the present Ministry wished to prefer one side against the other, in these disputes. Why they should have this preference he did not altogether know, though perhaps he could fairly well guess. It had not been shown that anybody would be prejudiced by the passing of this proviso, as an amendment to the Bill; and he said the real object of the Bill was to take certain cases out of the Supreme Court, such a proceeding being, he contended, outside the scope of proper legislation. It was true, as had been said, that he was interested in the Londonderry cases. So was the hon. member for the Gascoyne (Mr. R. F. Sholl); so also was the hon. member for West Kimberley (Mr. A. Forrest); he believed the hon. member for Yilgarn (Mr. Moran) was interested as an agent, some time ago, and so were others. He had been told that when

the Londonderry dispute was first brought down to Perth, the Commissioner of Crown Lands was offered a share in the property; and when the case first arose the Warden at Coolgardie was himself said to be interested. It was even rumoured that the Premier was interested; but he (Mr. Leake) did not think an interest was ever actually offered to the Premier, because he knew it would have been no good to approach the Premier on the subject—he would say that in the Premier's favour, as the expression of his opinion. One of the parties concerned was a man named Court—[THE COMMISSIONER OF CROWN LANDS: Not the Supreme Court, eh?—]—and when that person came down to Perth from Coolgardie he said he knew where he could “place” different shares in the property and make it “all right.” Then, after that, a certain offer was privately made to the Commissioner of Crown Lands, but of course he did not accept it—certainly not. What did he do? He went to his friend, Mr. Neil McNeil, and told him all about it: then Mr. McNeil took the affair in hand, and having arranged with Mr. R. F. Sholl and others, they bought the interest of the “jumpers.” He (Mr. Leake) told them at the time—Mr. McNeil and Mr. Sholl—that if they bought into that property they were buying into a law suit. When the Warden had given his decision, and refused to state a case for appeal, it was deemed necessary to take a certain course for compelling him to do so. Actions for trespass were commenced at Coolgardie, but they were dismissed, and the Warden refused to state a case. It looked suspicious that the Warden, who had just arrived in Perth, hurried back to Coolgardie when the trespass actions arose, and dismissed them—as if acting under instructions from the Mines Department, or from the Minister for Mines. The Warden had, in fact, travelled down to Perth in the same coach and railway carriage with a suitor (Court), and the Warden then hurried back to Coolgardie and gave a decision in that suitor's favour. He (Mr. Leake) was twitted in this House with coming there and advocating his clients' interests; but he had done nothing of the kind.

THE PREMIER (Hon. Sir J. Forrest): Your own, I think.

MR. LEAKE said, no. But there was the Attorney General, whose own firm of Stone and Burt was acting for the litigants on one side—for Messrs. Court and Lyons, who had jumped the leases; and the Attorney General, a principal in his firm, was found sitting as a member of the Executive Council, and deciding in favour of his firm's clients.

THE ATTORNEY GENERAL (Hon. S. Burt): Was I there?

MR. LEAKE said the Attorney General was a member of the Executive Council, which decided the matter. And on the present occasion they found the Attorney General advocating the passing of this 9th clause of the Bill before the House, and opposing the proviso which he (Mr. Leake) had proposed as a proper and necessary addition to it. The parties who were interested on one side, in this matter, had been talking in a way that showed they knew something of what was going to happen; and he thought they knew this Bill was forthcoming. If this 9th clause went through without amendment, it would not reflect credit on those engaged in this extraordinary piece of legislation.

THE PREMIER (Hon. Sir J. Forrest): Nor on you, either.

MR. LEAKE: Nor on himself either. He should refuse to vote on this clause; and he supposed other hon. members who were interested—the Commissioner of Crown Lands, the member for West Kimberley, the member for the Gascoyne, the Attorney General, and perhaps the member for Yilgarn—would refuse to remain and vote for it.

MR. MORAN: I deny that I am personally interested, and I told the hon. member so outside.

MR. LEAKE said he was astonished to think that a Ministry, who up to the present moment had acquired a fame and reputation for integrity and straightforwardness, and for doing nothing but what was in the interest of the public, should now be lending themselves to what seemed to him to be anything but a proper action. This Clause 9 was contrary to every legal principle, and particularly when they found its object was to settle disputes between private parties, and was not brought forward in the interest of the public good.

THE PREMIER (Hon. Sir J. Forrest) said that, for himself, he had no personal interest in this matter, directly or indirectly; and all that the Government had done was done in the same way as any other body of men would have acted. The papers relating to the case had been laid on the table, and no motion had been made in this House regarding them. He believed the hon. member for Albany had admitted that, upon the facts therein stated, no other decision could have been arrived at; and he (the Premier) did not know why the hon. member had that night proceeded in the way he had done.

MR. LEAKE: What I said was that, if the Regulations were properly made, the decision was good.

THE PREMIER (Hon. Sir J. Forrest) said it was a good thing the hon. member had delivered himself, that night, of all he had to say in regard to this matter; because there had been, during the session, innuendoes thrown out as to what the hon. member could say about the Government, and about members of the House. As far as he (the Premier) was concerned, he defied the hon. member to say anything that could prejudice him in the matter. It was painful to have had to listen, that night, to the hon. member while casting aspersions upon other hon. members, in a matter in which that hon. member was himself personally interested, not only as legal counsel and advocate—that was bad enough—but the hon. member had accused the Attorney General, because of a case having come into the office of his firm, of having a personal interest in that case, and of having acted wrongly in regard to it in his capacity as a member of the Executive Council. It was somewhat painful to find a member of this House—not only as a professional advocate, but also interested personally—bringing his own interest, professional and personal, into this House. No other Assembly would have tolerated such a thing; no other House would have listened to him. He (the Premier) had heard of members rising in their places and going out of the House, when another member had risen to advocate his own interest. If members of this House had acted in this way, they would have risen in a body, and treated the hon. member with the con-

tempt he deserved. Not satisfied with that, the hon. member had tried to asperse the character of other hon. members. Under these circumstances, he (the Premier) moved that the question be now put.

MR. LEAKE: You are quite right to move it, after a speech like that. Put the gag on!

Motion—That the question be now put—put and passed.

Question—That the proposed proviso be added to the clause—put and negatived.

Clause put and passed.

New clause:

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

Appeal to Supreme Court by case stated.

Any person dissatisfied with the decision of the Warden's Court, in any cause or matter, may appeal by case stated to the Supreme Court, sitting as the Full Court, subject to the conditions following:—

- (1.) The appellant shall, within three days after the day on which the said decision was pronounced, give notice of appeal by serving on the other party, and on the Registrar of the Warden's Court, notice in writing of his intention to appeal and of the grounds of his appeal.
- (2.) The appellant shall, within three days after the last day for giving notice of appeal, enter into a bond or recognisance before the Warden's Court, with or without sureties, in such sum not exceeding £100, as that Court may direct, conditioned to appear and prosecute such appeal with effect and to abide by the judgment of the Supreme Court, and to pay such costs as such Court shall order; or the appellant may, with the consent of the Warden's Court, instead of entering into such bond or recognisance, give such other security, by deposit of money or otherwise, as the Court may deem sufficient.
- (3.) The appellant shall, within seven days after the day on which he has given notice of appeal, serve on the other party, or deliver the same at his last known place

of abode, a case setting forth the facts of the case and the question upon which the opinion of the Supreme Court is asked.

- (4.) If the parties cannot, within seven days from the delivery of the case, agree upon the form thereof, either party may apply in writing to the Warden, within fourteen days from such last-mentioned day, to settle and state a case for the opinion of the Supreme Court; and the Warden shall thereupon state a case, setting forth the facts and the questions raised in the notice of appeal, and deliver the same to the appellant.
- (5.) When the case has been agreed upon or settled by the Warden, the appellant shall forward the same to the Registrar of the Supreme Court, who shall enter the same for argument at the sitting of the Full Court, which shall be held next after the expiration of fifteen days from his receipt of the case.
- (6.) The Warden's Court may, pending the appeal, either allow the order of the Court to be enforced or may stay proceedings upon such terms as to the Court shall seem just.
- (7.) The Full Court may confirm, reverse, vary, or modify the decision of the Warden's Court, or may dismiss the appeal, or remit back the cause or matter for rehearing by the Warden's Court, and may make such order as to the costs of the appeal as the Court shall think fit.
- (8.) Every such determination or order shall be certified, under the hand of the Registrar, to the proper officer of the Court in which the decision appealed against was given, who shall enter the same on record; and all further proceedings thereon shall be had in such Warden's Court as if the order or determination had been so made in the Warden's Court in the first instance.

THE ATTORNEY GENERAL (Hon. S. Burt) suggested that, in the first line, after the word "matter," the following

words be inserted: "affecting the title of any leasehold."

MR. LEAKE said he would prefer to have, in the first line, the words "not being a case or matter relating to a claim." There were other tenures on a goldfield which were different from the tenure of a claim—for instance, business licenses—and they might be of as much importance to a holder as the lease itself. He moved, as an amendment, that the words "not relating to a claim" be inserted after the word "matter," in the first line.

Amendment put and passed.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said that if an appeal were allowed, it should be only on questions of law, and not on questions of fact.

MR. LEAKE said that would be so.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said the appeal provided in the new clause would be on general questions, and he could not see why an appeal on questions of fact should be allowed.

MR. ILLINGWORTH said that on the Murchison goldfields there was a particular anxiety to have a right of appeal, though he did not think it would be often exercised. Still, it would be a great safety, and would prevent questionable proceedings in a warden's court, when there was a right of appeal. In fact it would lead to more satisfactory decisions being given in the goldfield courts.

MR. CONNOR said that on the Kimberley goldfields the decision must necessarily be final, on account of the great distance from Perth. It was not necessary to make all decisions subject to appeal, as was proposed in the new clause; therefore he could not support the clause.

MR. R. F. SHOLL hoped the Government would stick to the Bill as it stood, and not accept the new clause. The question of an appeal could be dealt with in the new Bill that was expected for the next session. The Government should not provide facilities for successively appealing from one court to another.

MR. MORAN said he would rather throw out the whole of the new clause than support its second paragraph, because nine men out of ten on a goldfield could not afford to provide

the security therein required. Instead of appeals to the Supreme Court, there should be a District Court Judge travelling from one field to another. A rich litigant or company could drag down a poor man by using this machinery of appeals, and the poor litigant could not provide the required surety. He (Mr. Moran) was in favour of an appeal being provided, and the Government should bring in a Bill, next session, providing that the Crown Solicitor should, when called upon, appear and plead for poor litigants who could not afford to pay for counsel.

THE ATTORNEY GENERAL (Hon. S. Burt) said that if a poor man had a good claim, he could get assistance.

New clause, as amended, put and division taken, with the following result:—

Ayes ...	...	...	6
Noes ...	...	...	13

Majority against ... 7

AYES.	NOES.
Mr. Clarkson	Mr. Connor
Mr. Illingworth	Sir John Forrest
Mr. Lenke	Mr. A. Forrest
Mr. Randell	Mr. Harper
Sir J. G. Lee Steere	Mr. Marmion
Mr. James (Teller).	Mr. Moran
	Mr. Paterson
	Mr. Pearse
	Mr. Richardson
	Mr. R. F. Sholl
	Mr. Solomon
	Mr. Venn
	Mr. Wood (Teller).

New clause negatived.

New clause:

MR. JAMES moved that the following new clause be added to the Bill:—

“No Chinese (in which term is included “any person who is apparently a native “of any part of Asia, Africa, Japan, or “Java, or any one of the islands of the “Indian or Pacific Oceans, or of the “Malayan Archipelago, or who is appar- “ently a child of any such person) shall “hold any miner’s right, or hold or be “directly or indirectly interested in any “lease, claim, area, site, or permit, or in “any other mining right, title, or interest, “issued or granted under this present or “any past or future Act or Acts relating “to goldfields or mineral lands, or any “regulations made or to be made there- “under, or be directly employed upon “or in connection with any such lease, “claim, area, site, or other right, title, or “interest.”

He said the clause would prohibit from mining those aliens who were at present excluded by law, but the trouble was with those coloured men who were British subjects. Most of the Chinese who came to this colony claimed to be British subjects, and the prohibition in the existing Act was useless as applied to them. All aliens who were undesirable immigrants, whether British subjects or not, should be excluded from these goldfields. If this new clause were carried it would have to be referred to England for consent.

THE PREMIER (Hon. Sir J. Forrest) said those Chinese who were born at Singapore, and claimed to be British subjects, were not recognised in this colony as British subjects, and no such Chinamen could obtain miners’ rights here.

MR. JAMES said if Asiatic aliens were prohibited by law, why not prohibit Asiatics of all sorts? Afghans were now on these goldfields creeping into business in various ways. There was nothing to prevent a Chinaman from holding a lease, if he put forward some European as the nominal holder.

MR. CONNOR opposed the new clause, but said he would accept it if the words in the third line, “or who is apparently a “child of any such person,” were struck out.

MR. ILLINGWORTH moved, as an amendment, that the words in the third line, “or who is apparently a child of any “such person,” be struck out.

MR. JAMES said he would accept the amendment.

Amendment put and passed.

New clause, as amended, put and division taken, with the following result:—

Ayes ...	...	...	7
Noes ...	...	...	12

Majority against ... 5

AYES.	NOES.
Mr. Connor	Mr. Burt
Mr. Illingworth	Mr. Clarkson
Mr. James	Sir John Forrest
Mr. Lenke	Mr. A. Forrest
Mr. Moran	Mr. Harper
Mr. Wood	Mr. Marmion
Mr. Solomon (Teller).	Mr. Pearse
	Mr. Randell
	Mr. Richardson
	Mr. R. F. Sholl
	Mr. Venn
	Mr. Paterson (Teller).

New clause negatived.

Schedule:
 Agreed to.
 Preamble and title:
 Agreed to.
 Bill reported, with an amendment.

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House, at its rising, do adjourn until Tuesday afternoon, 13th November, at half-past four o'clock, and sit, if necessary, until half-past six o'clock p.m.; and, if requisite, from half-past seven o'clock p.m., onwards.

Question put and passed.

The House adjourned at 1:52 o'clock a.m. of Tuesday, 13th November.

Legislative Council,

Tuesday, 13th November, 1894.

Insect Pests Bill: second reading; committee; third reading—Police Act Amendment Bill: Legislative Assembly's Message—Loan Estimates 1894-5—Southern Cross—Coolgardie Railway Bill: first reading—Mullewa-Coo Railway Bill: first reading—Scab Act Amendment Bill: first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock p.m.

PRAYERS.

INSECT PESTS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): As you are aware, sir, the Government has instituted an Agricultural Bureau, consisting of a number of gentlemen interested in agriculture, which has requested the Government to introduce this Bill. It provides that inspectors may be appointed from time to time by the Government on the recommendation of the Bureau, to inspect orchards, vineyards and nurseries. And these inspectors

are empowered, without notice, to enter, at any reasonable time of the day, any land where fruit trees or vines are grown, to ascertain whether such are infested with any pest or disease detrimental to their growth. And it is provided that such inspectors shall not be deemed trespassers. If an inspector, after he has made an investigation, is of opinion that a pest exists, he must report it to the Bureau, and the Bureau is empowered to order the proprietor of the vineyard or orchard to cure the disease in such a manner as they shall direct, and in any case, when it is reported that there is no chance of the disease being cured, they may order the vines or trees to be destroyed. There is a provision that the order made by the Bureau shall be subject to the direction of a Resident or Police Magistrate, and power is given to the proprietor of a vineyard or orchard to summon an inspector for the purpose of inquiring into the reason of the order being made, and a Police Magistrate or Resident Magistrate may then confirm the order or not. It is further provided that when the Bureau calls upon the proprietor to take measures to eradicate any disease, it shall do so in writing, and set forth the measures which are to be taken, and if the occupier does not carry them out, the Bureau is then empowered to do the work at the cost of the proprietor or occupier. These are, simply, the provisions of this Bill, and I now move it be now read a second time.

THE HON. D. K. CONGDON: I see provision is made for the appointment of inspectors, but I cannot see anything to show that they must carry documentary evidence of their appointments.

THE COLONIAL SECRETARY (Hon. S. H. Parker): They will be gazetted.

THE HON. D. K. CONGDON: I do not think that sufficient.

THE HON. R. W. HARDEY: I have looked carefully through this Bill, and I quite agree with the Hon. Mr. Congdon unless inspectors carry with them some documentary evidence, there is nothing to prevent men going round to people's orchards and pretending they are inspectors when really they are not. When we go into committee I shall move that these inspectors be compelled to produce written authority when called upon. I notice that the Bureau is to consist of