

should make such remarks upon the third reading of the Bill, when ample opportunity had been given for discussing the measure in its previous stages. He (Mr. Monger) could give many reasons for altering the ideas which he held four or five years ago.

Question—that the Bill be read a third time—put, and a division taken with the following result:—

Ayes	...	...	...	15
Noes	...	...	...	9

Majority for	...	...	6
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<i>Ayes.</i>	<i>Noes</i>
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Mr. Hall	Sir John Forrest
Mr. Hubble	Mr. Harper
Mr. Kenny	Mr. James
Mr. Leake	Mr. Leifroy
Mr. Locke	Mr. Piesse
Mr. Monger.	Mr. Throssell
Mr. Moran	Hon. H. W. Venn
Mr. Morgans	Mr. Wood
Mr. Pennefather	Mr. Wilson
Mr. Phillips	(Teller)
Mr. Quinlan	
Mr. Solomon	
Mr. Vosper	
Mr. Wallace	
Mr. A. Forrest	

(Teller)

Question thus passed.

Bill read a third time, and returned to the Legislative Council with amendments.

#### COOLGARDIE GOLDFIELDS WATER SUPPLY CONSTRUCTION BILL.

##### LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of two amendments, made by the Legislative Council, considered.

##### IN COMMITTEE.

THE PREMIER moved that the amendments be agreed to.

Put and passed.

Resolution reported, report adopted, and a message accordingly transmitted to the Legislative Council.

##### ADJOURNMENT.

The House adjourned at 11.50 p.m. until the next day.

## Legislative Council,

Thursday, 20th October, 1898.

Municipal Institutions Act Amendment Bill, third reading—Land Bill, third reading (debate)—Mining on Private Property Bill, second reading; in Committee; third reading—Bush Fires Act Amendment Bill, second reading; in Committee; third reading—Adjournment.

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

##### PRAYERS.

#### MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

Read a third time, on the motion of the COLONIAL SECRETARY, and returned to the Legislative Assembly with amendments.

##### LAND BILL.

##### THIRD READING.

THE COLONIAL SECRETARY moved that the Bill be read a third time.

HON. R. G. BURGESS moved, as an amendment, that the Bill be recommitted for the purpose of reconsidering clause 145.

THE COLONIAL SECRETARY said he hoped the hon. member would not press his amendment. The Bill had been seriously and carefully considered at the hands of hon. members here and also in another place. If further amendments were now made, the measure might be jeopardised.

THE PRESIDENT: At this late stage of the session, it was highly inconvenient that the Bill should be recommitted. There were a number of amendments which had been made in the Bill and which had to be considered by the Legislative Assembly. The work of the session was nearly finished, and if the Bill were recommitted, it meant further delay.

Amendment put and negatived.

Question—that the Bill be read a third time—put and passed.

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

## MINING ON PRIVATE PROPERTY BILL.

## SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): In rising to move the second reading of this Bill, I may mention that the measure is mainly, I think entirely, compiled from Victorian legislation on the subject, with amendments necessary to suit the circumstances of this colony. The Act in operation at the present moment—I am using a misnomer when I say in operation—has been found to be almost unworkable, and hence there is a necessity to repeal it. The present Act was taken from South Australian legislation on the subject, and in South Australia the precious metals are not reserved to the Crown; therefore the Act has been found to be not suitable to this colony or to our circumstances, inasmuch as in our colony the minerals are reserved by the Crown. It has been found that the Act to a large extent is inoperative, and great difficulties have cropped up from time to time, as I have observed from letters in the newspapers and other sources; therefore it has become absolutely necessary that a Bill suitable to the circumstances of the colony, as to mining on private property, should be introduced. As I have said, this Bill is compiled almost entirely from Victorian legislation; and, so far as I have been able to gather from my limited acquaintance with the subject, the rights of all parties are fairly and reasonably conserved. The owner of private property, where it is anticipated gold will be discovered, has to give way to the rights of the miner and to the rights of the people generally, but not without fair and reasonable compensation. There are clauses in the Bill which protect the owner or occupier, or those who have a beneficial interest in any private estate which it may be desirable in the interests of the colony and gold-mining shall be utilised. Clause 3 is devoted to the interpretation of terms which are used in the Bill. Clause 5 provides that all gold whatever is to remain the property of the Crown. The clause says:—

All gold, until lawfully acquired under the provisions of this Act, whether on or below the surface of all land whatsoever in Western Australia, whether alienated or not alienated from the Crown, and if alienated whensoever

alienated, is and shall be and remain the property of the Crown.

That seems to be the principle pervading the Bill, that all gold on the land and under the land shall be the property of the Crown, and therefore is dealt with to a large extent as the precious mineral is dealt with by our Mining Act. Clause 5 deals with grants of leases on private lands, and I may say there are two kinds of tenures here, perhaps three—leases, permission to enter on private land, and also the granting of licenses, which are only for a temporary purpose and for a limited time. Certain works may be undertaken and carried out for the purpose of mining upon private lands, such as races, drains, dams, bores, reservoirs, or tramways, and erecting any building and machinery, and generally for doing all such acts and things as shall appear to be requisite for efficiently mining in or on the said land. No lease may be granted for mining under churches or cemeteries, unless as is provided in the latter part of sub-clause 4, which states that permission must be obtained, in writing, from the head or authorised representative of the denomination to which the church belongs; and no lease shall be granted of any land under or within 100 yards laterally of any private land on which any spring, stream, or dam, or any dwelling-house, outhouse, building, or manufactory in *bona fide* use is situated, unless by the authority of the owner, and the person mining must keep 100 yards away from such spring, etcetera. The land must first be taken, and the amount of purchase money ascertained under the provisions of the Act, that is by the warden, unless an agreement is arrived at between the miner and the owner of the land. The applicant for a lease must prove three things which are expressed in sub-clauses a, b, and c of clause 7. He is not to interfere with the overlying strata. He must mine without damage to the surface or the upper strata of the land, and he must give ten days' notice in writing of the time and place appointed by the warden for the hearing. The owners, occupiers, and trustees of lands under which mining has been authorised by lease, shall be entitled to inspect and survey the underground workings of the mine, but under the condition that they

are not to divulge any information they may acquire while looking through the mine, except by the request of any court of justice or any other similar authority. Division 3 of the Bill deals with the entry upon and marking out of private land.

Any holder of a miner's right who desires to obtain possession of a claim, or any person who desires to obtain a lease of any private land may, at all reasonable times and doing no unnecessary damage, enter upon any part of such land for the purpose of marking out any portion thereof which he may desire to take possession of by virtue of such miner's right or under the regulations.

But he must have the warden's authority for doing this, in accordance with clause 6. The land then becomes, for this purpose, Crown land. Certain lands are not to be entered on without the consent of the owners, such as gardens, orchards, vineyards, or any dwelling-house, out-house, or manufactory in *bona fide* occupation. No private land mentioned in clause 6 can be taken possession of under a miner's right, except with the consent of the owner. Sub-clause 6 of clause 8 provides how the warden's authority is obtained. Compensation is to be agreed on before mining, and has to be paid or tendered to the owner of the property, and if the amount of compensation is not agreed on between the parties, the question must be determined by the warden. Part 4 deals with the purchase money or compensation payable to the owner or occupier of private lands; and power is given to the parties to agree as to the amount of purchase money or compensation. The applicant may treat or agree with the owner as to this amount, but it is stipulated that the agreement must be in writing. When no agreement has been arrived at within twenty-one days after the marking out of the land by the holder of a miner's right, or within ten days after the completion of the survey of the land and the posting of a notice by the mining surveyor, then the warden, under clause 12, may determine, in the usual way, the amount of compensation or purchase money to be paid. Sub-clause 2 of clause 12 provides the rules by which the warden is to be guided in arriving at his decision, and the decision, when arrived at, must, together with the evidence, be forwarded to

the Minister for his information, and to enable him to take the action which may be deemed necessary. Any application for a lease, or marking out for a lease or claim, may be abandoned at any time, by the applicant giving notice in writing to the Minister, through the warden, and to the owner or occupier, on payment of such costs as the warden shall allow. Before any lease on private land is issued to any person, other than the owner, the Minister must be satisfied that the amount of purchase money or compensation has been determined by the warden, and has been paid or tendered to the owner or occupier, or that consent has been given to the issue of the lease without payment. If the parties agree, the agreement must be executed in triplicate, and one original part forwarded to the Minister. Clause 14 provides that the lessee may obtain more surface area, and by clause 15 the Governor may grant a lease; but nothing in the Bill shall be construed as rendering it obligatory to grant any lease or license, notwithstanding that the applicant may have complied with the enactments and regulations. Seven days must elapse, according to clause 16, from the date of notification in the *Government Gazette*, before a mining lease can be granted, and by clause 18 it is provided that the term for which the lease be granted under this part of the Bill shall be for a term not exceeding twenty-one years. According to clause 19, every mining lease may, with the consent of the Minister, be surrendered at any time. Clause 22 gives the owner of a mine the right to purchase the freehold.

HON. R. G. BURGESS: There is no limit in this clause. Will the Colonial Secretary explain the reason why?

THE COLONIAL SECRETARY: The clause provides that the holder of any claim or lease "shall be entitled to take for mining purposes, the whole of any private land belonging to one owner within the boundaries of, or adjoining, or abutting on such claim or lease, and within any municipality or townsite, on payment of the amount of purchase money therefor, which shall be ascertained by agreement in writing, or, in default of agreement, in the same manner as purchase money is to be ascertained under the provisions of this Act."

HON. R. G. BURGESS: There is no limit.

THE COLONIAL SECRETARY: The purchase money, when ascertained, has, by sub-clause 2 of clause 22, to be paid to the order of the registrar or warden. By clause 23, all parties who are under disability to sell or convey, and "who are seized or possessed of or entitled to any private land, or any estate or interest therein, may, subject to the provisions of this Act, settle by agreement with any person desiring to mine therein or thereon, under a miner's right or mining lease, the amount of compensation for such land." The remaining part of the clause provides that this shall be binding on all parties, except in the case of "any lease for life, or for lives, or for years, or for any less interest." Under the next clause, the owner himself may at any time apply for a lease for mining purposes of his land, and clause 25 permits the re-entry by the owner in certain cases. Clause 26 provides, in accordance with the Mining on Private Property Act of 1897, for priority being given to certain applicants under 61 Vict. No. 33.

HON. R. G. BURGESS: This is a power given to the Minister.

THE COLONIAL SECRETARY: The clause reads:—

It shall be lawful for the Minister, in manner and subject as aforesaid, in his discretion, to grant a lease under this Act to any person who shall have made an application in respect of any private land under the provisions of the Mining on Private Property Act, 1897, in priority to any applicant under the provisions of this Act.

I suppose that is intended to give some advantage to those who have already applied for leases under the present Act. Part 5 deals with prospecting areas on private lands, and it is provided in clause 27 that a prospecting area shall not exceed five acres for quartz mining purposes, and ten acres for alluvial mining. The Minister may grant a license to occupy and prospect any part of the land applied for as a prospecting area, for a time not exceeding twelve months, in accordance with the regulations, and the amount of compensation is to be ascertained in the way provided in the case of leases, the compensation to be paid before the license be granted. Sub-clause 7 provides that further land, not exceeding ten acres, may be

applied for if, after prospecting for some time, it is found the original area is not sufficiently tested by the prospecting work done under the license. This extra license may be held until the land is sufficiently tested, or a lease be granted for a reserve area, on any part thereof. Sub-clause 8 provides that the holder of a license must comply with certain conditions, and that, on giving notice to the Minister, he may surrender his license and obtain a lease of the reserved area. If the Minister be of opinion that the land has been sufficiently tested, he may require the applicant to surrender his license and proceed with his application for a lease. Under sub-clause 10, if the Minister be satisfied that the applicant has complied sufficiently with the conditions of the license, and has otherwise complied with the provisions of the Act, a lease may be granted for a term not exceeding twenty-one years. Part 6, clause 28, deals with the jurisdiction of the warden, which is to be that established by the Goldfields Act, 1895, or any amendment of that Act. Part 7, clause 29, deals with the renewal of the lease and the pendency of application. The renewal of a lease may be granted under certain conditions, and no further compensation is to be given except for damages estimated to be done, this provision being governed by clause 12. Clause 30 protects ground applied for under a gold-mining lease, pending application. Pending any application for a lease, or renewal of a lease, it will not be lawful to mark out as a claim, or include within the boundaries of any claim, the land applied for, and sub-clause 2 gives the applicant power to proceed for damages in respect to trespass or encroachment and for the recovery of any gold taken by unauthorised persons out of the lands, or the recovery of the value of the gold taken, before the warden in the manner provided in part 4 of the Goldfields Act, 1895. The amount of damage claimed is to be lodged with the registrar pending the determination of the application. By clause 31 it is provided that the pendency of an application for a lease shall begin with the marking out of private lands for a lease, and sub-clauses set forth that the pendency of an application shall cease if the applicant do not proceed, and

that during the pendency, no agreement can be entered into by the owner of the private lands with the holders of miner's rights. Clause 32 is to very similar purpose, providing that a lease may continue in force during the pendency of application for renewal. Part 8, clause 33, deals with breach of labour conditions and exemptions, and provides that all the provisions of the Goldfields Act, 1895, and any amendment of that Act, shall apply as if they were repeated in the Bill. Part 9, clause 34, provides that an injunction may be granted to restrain encroachment, without proof of special damage. Clause 35 deals with encroachments on highways, streets, etc.; and with the powers of public bodies who have control of such thoroughfares. Clause 37 is very similar to a clause already referred to, in which every owner, occupier, agent, mining surveyor, and miner shall, before entering on land, make a declaration before a warden that he will not, without the consent in writing of the holder of a miner's right, divulge any information thus acquired, and any person who acts contrary to such declaration must forfeit a sum not exceeding £50. By clause 38 the warden may, on the application of a public body, or an applicant obtaining an order under the Bill, hear evidence and issue an order in the form provided by the regulations, enjoining persons to desist from trespassing; and clause 39 provides how that order is to be served. Part 11 of the Bill deals with miscellaneous matters, and clause 44 provides that a register of dealings shall be kept in every goldfields district, showing a complete record of all leases, claims, and other business connected with any private land within the jurisdiction of the warden. The record must be kept at the office of the registrar, and I believe this clause is in strict accordance with the requirements of the Gold Mines Act; and no transfer of any lease or application for a lease will have any effect until it is registered. By clause 45 it is provided that the provisions of the Goldfields Act, 1895, relating to the amalgamation of leases, and claims, liens for wages, and caveats, shall apply to the Bill. By clause 48 every lease must be obtained and compensation for surface damage done to the land must be ascertained and paid for as before provided in the Bill. Clause 49

provides that lands must be fenced, and the fences kept in good repair, or otherwise no action will lie against the owner of the land. Clause 50 gives the Governor power to grant licenses to construct drives through land occupied for mining purposes. These drives must be at a depth of 200 feet, as provided in clause 52, measured from the lowest part of the surface. Clause 54 applies to the owner, as well as the leaseholder, and provides that any unauthorised person who removes gold from any private land shall be liable, on conviction at a court of petty sessions, to a penalty not exceeding £5. Clause 55 gives power to the Governor to make regulations, which may be for the whole colony, or for any particular part. These regulations will be published in the *Government Gazette*, and have the effect of law, and must be laid before Parliament. Penalties are provided in the same clause for any breach of the regulations. Part 12, clause 56, refers to the Hampton Plains Estate. As hon. members are aware, a considerable tract of country was granted to a body called the Hampton Plains Syndicate, and that land is now known as the Hampton Plains Estate. It is a well known fact that alluvial gold has been discovered on that land, and that at the present time 500 miners are there. It has been thought of advantage to the country that the royalty provided for in the contract with the syndicate should be rescinded, and that under regulations, which are to have the sanction of the Governor, mining on this estate shall be permitted and encouraged. If the result of these clauses be the promotion of mining on that land, the whole colony will benefit. Clause 57 provides that the respective owners of the lands mentioned in the schedule may from time to time, with the approval of the Governor, but not otherwise, "make, alter, amend, and repeal regulations for the management of gold-mining on their lands." I have a copy of the regulations, but I have not been able to go very carefully into them. So far as I can gather, however, they appear to be very liberal, and on the lines of the Government regulations which will be in force in regard to mining on public land. In some respects I am told the former regulations are more liberal, and give more freedom of contract to the miner, than necessarily

obtains in rules and regulations made by the Government for the whole colony. It is provided in clause 58 that these regulations must be published in the *Government Gazette*, and that they shall have the force and authority of law, and shall be judicially noticed in every court of justice, provided they have been submitted to Parliament in the manner prescribed by clause 55. For any breach of the regulations, a fine not exceeding £10 may be imposed. I believe there are some subsidiary owners on the Hampton Plains Estate, the syndicate having parted with some of their rights. I need say no more in regard to the Bill, except that, in my opinion, it will promote mining on private property far more effectually than the present Act, which, in fact, to a very large extent retards such mining. I move that the Bill be read a second time.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

Clause 4—All gold whatever to be and remain the property of the Crown:

HON. A. P. MATHESON asked whether the words "alienated or not alienated," in line 3, applied to the gold or to the land? He took it that the words were meant to apply to land, because, if they applied to gold, the owner of that gold might require compensation.

THE COLONIAL SECRETARY: Possibly the clause was not very clear, but he took it that the words were intended to apply to the land. It was a mistake to punctuate clauses, as this led to ambiguity.

HON. A. P. MATHESON: As printed with the comma, these words appeared to refer to the gold.

HON. H. G. PARSONS suggested that, in view of the marginal note, which was ambiguous, it would be better to insert the words "such land be" between the words "whether" and "alienated." It was obviously not the intention of the Government to take away the gold from the Hampton Plains Syndicate.

Clause put, and a division taken with the following result:—

Ayes	...	...	...	6
Noes	...	...	...	3

Majority for ... 3

#### Ayes.

Hon. F. T. Crowder  
Hon. D. McKay  
Hon. H. J. Saunders  
Hon. F. M. Stone  
Hon. G. Randall  
Hon. J. W. Hackett  
(Teller)

#### Noes

Hon. R. G. Burges  
Hon. A. P. Matheson  
Hon. H. G. Parsons  
(Teller)

Clause thus passed.

HON. H. G. PARSONS: What had become of the proposed amendment to insert the words, "such land be" between the words "whether" and "alienated"?

THE CHAIRMAN: The hon. member did not move an amendment, but simply suggested the words should be inserted.

HON. H. G. PARSONS: The intention was to move the amendment.

THE CHAIRMAN: An amendment of the kind should be written and handed in.

Clauses 5 to 17, inclusive, agreed to.

Clause 18—Terms of rent and lease:

HON. D. MCKAY: To whom had the rent of £1 per acre to be paid—the Government or the owner of the land?

THE COLONIAL SECRETARY: The owner of the land would be compensated for any loss, and the rent would go to the Government.

Put and passed.

Clauses 19 to 21, inclusive—agreed to.

Clause 22—Owner of mine entitled to purchase freehold:

HON. H. G. PARSONS: What was the meaning of the words "one owner," in line 3? He had no desire to obstruct the Bill, which was an admirable one; but there seemed to be a disposition to rush the measure through. The words to which he had called attention made it appear that a man could not take up land belonging to two adjacent owners.

HON. A. P. MATHESON: This clause was much too sweeping. It was all right to give a man, who owned a lease, the right to compulsorily purchase any property within the boundary of his pegs or lease; but the clause went further, and provided that such owner could compulsorily purchase any private land "adjoining or abutting" on the lease, without any restriction as to extent. This clause could be looked at from two points of view, one of which was that of the owner of the land, with whom he had very little sympathy. The other point of view was that, if a man were given the right to

purchase all the freehold land "adjoining or abutting" on his lease, there would be built up big monopolies, such as it was the object of legislation to prevent. Whatever the area was, the owner of the lease should be able to compel the owner of the adjoining land to sell only what was within the boundary of the lease, and no more. He moved, as an amendment, that in line 3 the words "or adjoining or abutting on" be struck out.

HON. H. G. PARSONS said he would like to have an answer to the question with reference to the "one owner." If we limited the operation of the clause to the land belonging to the one owner, that would nullify the intention of the clause. If a man wanted to deal with two owners he would not be able to do so. The words "one owner" should be struck out and "owners" inserted in lieu thereof.

HON. F. M. STONE: Supposing a man wanted to take up a lease which went across the boundary of two owners, he would have to take a lease of each piece of land, on either side of the boundary. If the words "one owner" were struck out, the effect of the clause would be nullified.

THE COLONIAL SECRETARY: Clause 13 to some extent governed the whole of this clause. He took it that the claim would be limited to five acres, except in some cases, when it would be extended to 10 acres. The application for the lease would be made in accordance with the regulations. He could hardly consent to the alteration proposed by Mr. Parsons.

HON. H. G. PARSONS: After the explanation given by Mr. Stone, he would not move an amendment.

Amendment (Mr. Matheson's) put and passed, and the clause as amended agreed to.

Clauses 23 to 48, inclusive—agreed to.

Clause 49—Lessee no right to im pound or molest any animal belonging to the owner on land unless fenced:

HON. R. G. BURGESS: What was the definition of "fence"?

HON. F. M. STONE: The regulations would give the definition, and these regulations would be placed on the table of the House.

HON. R. G. BURGESS: Next session.

Clause put and passed.

Clauses 50 and 51—agreed to.

Clause 52—Not to be effectual within 200 feet of surface:

HON. H. G. PARSONS: How would this clause provide for a tunnel? The Government were in the habit of providing a depth of 20 feet, which was much too little, but now the Government had gone to the other extreme and had made the depth 200 feet. In hilly country how could a tunnel be driven 200 feet deep?

THE COLONIAL SECRETARY: The Governor was to grant permission to put drives in; therefore a person applying would have to make it clear that a drive was necessary, and no drive was to be allowed to be made under land on which a church was situated.

HON. H. G. PARSONS: The provision was safe enough, but there would never be any tunnelling.

Clause put and passed.

Clauses 53 to 60, inclusive—agreed to.

Clause 61—Royalty released:

HON. A. P. MATHESON: Was it intended that the people who had purchased freehold property—the Colonial Secretary mentioned four—from the Hampton Plains Syndicate should concur in the regulations?

THE COLONIAL SECRETARY: It was not obligatory on them, but they might do so. Clause 57 stated that these persons "may."

HON. A. P. MATHESON: Would clause 61 refer only to the parties who issued regulations in the way provided in clause 57, and would those who stood out receive the 2s. an ounce?

THE COLONIAL SECRETARY: According to the information which he had, the parties could stand out if they liked, and they could demand the royalty.

Clause put and passed.

Clause 62—agreed to.

Schedule—agreed to.

Preamble and title—agreed to.

Bill reported with an amendment, and the report adopted.

THIRD READING.

Bill read a third time, and returned to the Legislative Assembly with an amendment.

## BUSH FIRES ACT AMENDMENT BILL.

## SECOND READING.

HON. R. G. BURGESS : I beg to move the second reading of this little Bill, and in doing so I wish to make a few remarks. The Bill introduces nothing new in the present Bush Fires Act, and it only does away with the proviso to section 7, which I will read :—

Provided that any lawful occupier of land may set fire to the bush on the land in his occupation if he shall have previously given to all the occupiers of the lands next adjoining to his said land not less than seven days, before he shall set fire to the bush as aforesaid, a notice in writing that he intends to set fire to the bush on the land in his occupation on some day or days between the seventh day and the fourteenth day of giving the said notice as aforesaid, and if he shall also take all such precautions as shall prevent the fire from extending to any lands adjoining or adjacent, or from damaging crops, grass, trees, houses or buildings on any land adjacent.

I may say this Act was passed thirteen years ago, and the colony was then very different from what it is at present. Now there is an immense amount of settlement going on, and a person can go through fifteen, twenty, or twenty-five miles of corn and new land all cropped. Under the provision which I have read, any man, if he has only ten acres of land, by giving notice can set fire to the bush on his land, and although he has no intention of injuring anyone, he may be often ignorant of the consequences. A case occurred last year in November. A young settler who was born in this country set fire to the bush on his land. About the 13th or 14th November last year, I saw a fire on some land, and went out to see where it was. I thought someone going along the road had set fire to the bush by accident or carelessness. I knew that one of my neighbours had land "pulled down" the winter before, and I went over to this land, and I found this settler burning the bush around his place, quite ignorant of the consequence that the fire might get away from his land. I pointed out to this man the consequence, and told him that if he did not put the fire out, everything he had would be burned, and other people's property would be injured, and that he would be liable for damage, and even to imprisonment. This settler said that people had been burning along the line a few days ago,

and he did not see why he should not burn off, and that he would take the consequences. That shows hon. members what may be done under this Act. Any one can burn off the bush by giving seven days' notice. The owner of this land that I have been referring to did not then attempt to continue the burning off for two or three months, but about March he again set alight to the bush, and succeeded in burning his neighbours' paddocks. This burning off has become a more serious matter now ; and, according to the Act, any one who gives seven days' notice can burn off. This year we have an immense area of land under crop which will be left for wheat. We know the loss that was caused by bush fires in Victoria and Tasmania last year, and if this Act is not amended we may expect the same thing here. This would not only be a great loss to the individuals, but it would be a loss to the colony, as a large number of the farmers are Crown tenants, and a number of these men have borrowed money from the Agricultural Bank, and if they lose their crops they will not be able to pay the money back to the bank. There is no occasion for me to go further into details. This matter has been brought forward by a majority of the roads boards in the different districts, and the matter was represented to the Commissioner of Crown Lands only a few months ago, and the Commissioner said that he had sent a Bill to the Parliamentary draftsman to make the necessary amendments, but that there was no time to attend to it this session. Not only would a bush fire do a great deal of damage to the crops, but the grass is as valuable to the farmer as his crops, and it is necessary in the interests of the colony that the proviso to section 7 of the Act and the subsequent clauses should be struck out. With these few remarks I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

## IN COMMITTEE, ETC.

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

Bill read a third time, and transmitted to the Legislative Assembly.



ADJOURNMENT.

The House adjourned at 6 p.m. until the next Tuesday.

Legislative Assembly,

Thursday, 20th October, 1898.

Libellous Report, and Offender Expelled from Gallery: Threat to Prosecute Sergeant-at-Arms; Correspondence and Debate; Further Letter, an Apology—Mineral Lands Regulations: Select Committee's Report presented—Motion (urgency): Personal Explanation—Metropolitan Waterworks Act Amendment Bill, first reading and remaining stages—Cemeteries Act Amendment Bill, first reading—Municipal Institutions Act Amendment Bill, (streets), first reading—Bush Fires Act Amendment Bill, first reading—Annual Estimates, in Committee of Supply: Mines Department, passed; Attorney General's Department, passed; Colonial Secretary's Department, passed; Estimates completed and reported—Official Receiver in Bankruptcy: Legislative Council's Resolution considered, in Committee—Goldfields Act Amendment Bill: Legislative Council's Amendments considered, in Committee—Adjournment.

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

PRAYERS.

LIBELLOUS REPORT, AND OFFENDER EXPELLED FROM GALLERY.

THREAT TO PROSECUTE SERGEANT-AT-ARMS. CORRESPONDENCE AND DEBATE.

The SPEAKER: Before proceeding with the business of the day, I wish to inform the House that the Sergeant-at-Arms has handed to me the following letter,

which he has received from a firm of solicitors in this city:—

Austral Chambers, Barrack-street, Perth, October 20, 1898.

C. B. Kidson, Esq., Sergeant-at-Arms, House of Assembly, Perth.

Sir,—We have been instructed by Mr. H. P. Colebatch to institute legal proceedings against you for assault in connection with last evening's proceedings. Will you kindly refer us to your solicitor, for service of legal process.—Yours faithfully, Moorhead and Northmore.

May's *Parliamentary Practice* on this question says as follows:—

To commence proceedings in a court of law against any person for his conduct in obedience to the orders of Parliament, or in conformity with its practice is a breach of privilege. According to present usage, however, if such an action be commenced against an officer of the House, the Commons have given leave to the officer to appear in the action, when the law officers of the Crown, either by the order of the House or upon direction given by a Minister of the Crown, undertake the officer's defence: or, if it seems expedient, the Speaker can, at his discretion, place the defence of the officer in the hands of the Government.

I think, therefore, under that practice as given by May, that the House should pass a resolution directing the Crown law officers to defend the Sergeant-at-Arms of this House. He was simply carrying out directions received from me, and which I was empowered to give by authority of our Standing Orders, which empower me at any time to direct any strangers to withdraw from any portion of the House.

THE PREMIER (Right Hon. Sir J. Forrest): I beg to move

That the law officers of the Crown be instructed by this House to appear and do all things necessary on behalf of the Sergeant-at-Arms, in carrying out the instructions of the Speaker.

MR. LEAKE (Albany): I second the motion.

MR. VOSPER (North-East Coolgardie): Before this matter goes to the vote, though for my own part I have no intention of opposing the motion, I wish to take this desirable opportunity to review the action which has been taken in respect of Mr. Colebatch. I think I am right, in regard to the resolution passed in this House on this matter, in saying that the amendment moved by the member for Albany, on my suggestion, was to the following effect: