but have done so to test the feeling of the House on a question not really tested before. When the Hon. the Premier implies that the notice has just been given and is a new matter, he is either mistaken or forgetful, and he was certainly most mistaken in the observations he has made to-night.

THE PREMIER (Hon. Sir J. Forrest): It has taken you a long time to bring the matter forward, at any rate. Why could not we have had it weeks ago?

Motion put and negatived.

ADJOURNMENT.

The House at 10·15 p.m. adjourned until Tuesday, August 13th, at 4.30 p.m.

Legislative Assembly,

Tuesday, 13th August, 1895.

Prepayment of Press Messages—Station and Goods Shed at Midland Junction—Tenders for New Court House at Northam—Esperance Bay Jetty Addition—Post and Telegraph Office at Norsemanton—Posting Late Letters at Railway Stations—Public Buildings at Kalgoorlie—Quarantine Station at Albany—Improvements to Police Buildings at Albany—Albany Hospital—Depositing of Stone, &c., in river at Rocky Bay; Select Committee's report—Medical Act Amendment Bill: third reading—Fertilisers and Feeding Stuffs Bill: third reading—Railway and Refreshment Rooms Licensing Bill; in committee—Duties on Estates of Deceased Persons Bill: second reading—Licensed Surveyors Bill; Legislative Council's amendment—Married Women's Property Bill: second reading—Goldfields Bill: resumed debate; second reading—Estimates; in committee—Adjournment.

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

PRAYERS.

PREPAYMENT OF PRESS MESSAGES.

MR. LEAKE, in accordance with notice, asked the Premier whether it was true that the Telegraph Department had declined to deliver Press messages from the other colonies unless prepaid; and, if so, what was the reason.

THE PREMIER (Hon. Sir J. Forrest) replied that there had been a difference between the Telegraph Department and one of the newspapers in Perth, but that the difference had been amicably arranged.

STATION AND GOODS SHED AT MIDLAND JUNCTION.

MR. LOTON, in accordance with notice, asked the Commissioner of Railways whether the Government intended to provide suitable station and goods shed accommodation at the junction of the Midland and Eastern Railways. If so, when tenders would be called for the work.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied in the affirmative to the first part of the question; and, as to the second part, said plans were in hand, and, when funds were available, tenders would be called for the work as early as possible.

TENDERS FOR NEW COURTHOUSE AT NORTHAM.

MR. PIESSE (for Mr. THROSSELL), in accordance with notice, asked the Director of Public Works when tenders for the erection of a new courthouse at Northam were likely to be called for.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied that tenders would be called for after the Estimates were passed.

ESPERANCE BAY JETTY ADDITION.

MR. HASSELL, in accordance with notice, asked the Director of Public Works when the addition to the Esperance Bay Jetty was likely to be finished.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied that the timber for the addition to the Esperance Bay Jetty was now ready for shipment at Bunbury, and the work should be completed in four months.

POST AND TELEGRAPH OFFICE AT NORSEMANTON.

MR. HASSELL, in accordance with notice, asked the Director of Public Works whether the Government intended to place a sum on the Estimates to build a post and telegraph office at Norsemanton.

THE DIRECTOR OF PUBLIC WORKS

(Hon. H. W. Venn) replied that there was no sum placed on the Estimates for post and telegraph office at Norsemanton, but there was a sum for post and telegraph office at Dundas; and, if it were not desirable to erect public buildings at Dundas, the vote, with a slight amendment, could be utilised for buildings at Norsemanton.

POSTING LATE LETTERS AT RAILWAY STATIONS.

MR. SOLOMON, in accordance with notice, asked the Commissioner of Railways whether arrangements could not be made so that all late letters could be posted at the various railway stations by payment of a late letter fee.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that the Postmaster-General had been consulted, and had expressed his inability to deal with the safe custody of such letters in a satisfactory way. Foreign and colonial letters, with the late fee, were taken by the officer in charge of the postal van at the Perth station up to the departure of the mail train.

GOVERNMENT BUILDINGS AT KALGOORLIE.

MR. MARMION, in accordance with notice, asked the Director of Public Works whether it was the intention of the Government to at once erect at Kalgoorlie suitable public buildings (Warden's residence and office, post-office, telegraph office, &c.), of a comparatively temporary character, to meet immediate necessities, pending the erection of more substantial and costly buildings.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied that it was the intention of the Government to erect public buildings at Kalgoorlie, and that plans were now being prepared.

ALBANY QUARANTINE STATION.

MR. LEAKE, in accordance with notice, asked the Premier whether it was intended to provide increased and adequate accommodation at the Quarantine Station, at Albany; and, if so, to what extent.

THE PREMIER (Hon. Sir J. Forrest) replied that £1,000 had been placed upon the Estimates for that purpose.

IMPROVEMENTS TO POLICE BUILDINGS AT ALBANY.

MR. LEAKE, in accordance with notice, asked the Premier whether it was the intention of the Government to provide increased or improved accommodation for the police court, police quarters, and lock-up at Albany; and whether it was proposed to erect new buildings for all or any of the above purposes.

THE PREMIER (Hon. Sir J. Forrest) replied that he had received a letter from the Chamber of Commerce a few days ago, and that this was the first he had heard of there being inadequate accommodation at the police court or other places. The matter would be considered.

ALBANY HOSPITAL.

MR. LEAKE, in accordance with notice, asked the Premier whether it was intended to add a ward to the Albany Hospital, or otherwise provide separate accommodation for female patients.

THE PREMIER (Hon. Sir J. Forrest) replied that the matter was under consideration, and he hoped it would shortly be possible to put the work in hand.

DEPOSITING OF STONE, &c., IN THE RIVER AT ROCKY BAY.

SELECT COMMITTEE'S REPORT.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) brought up the report of the Select Committee, which was read and ordered to be printed.

MEDICAL ACT AMENDMENT BILL.

THIRD READING.

Bill read a third time, and transmitted by message to the Legislative Council.

FERTILISERS AND FEEDING STUFFS BILL.

THIRD READING.

Bill read a third time, and transmitted by message to the Legislative Council.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

IN COMMITTEE.

Clause 1—"Short title":

THE ATTORNEY-GENERAL (Hon. S. Burt), moved, as an amendment, that the following words be added at the end of the clause "Part III.—Miscellaneous."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 2—"Interpretation:"

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as an amendment, that the words "this part of," in the first line, be struck out.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 3 to 6 inclusive:

Agreed to.

Clause 7.—"Effect of license:"

MR. ILLINGWORTH asked the Attorney-General to adopt the suggestion made on the second reading, by prohibiting the sale of liquors in a theatre during rehearsals, and thereby restrict the sale of liquors to the actual time during which the theatre was used for a public entertainment. He moved, as an amendment, to strike out the words "or a a rehearsal preparatory to such concert or performance" in the fifth and sixth lines.

MR. JAMES supported the amendment, and said the clause was also open to abuse in other ways, because entertainments that were not respectable—a prize fight was suggested as one of this class, and he meant that sort of entertainment—might be got up for the purpose of drawing a crowd, chiefly for the sale of liquors. No *bona fide* performance would be continued much after midnight, and the hours of selling liquors might be restricted between 7 p.m. and 12 o'clock midnight.

THE ATTORNEY GENERAL (Hon. S. Burt) said the intention of the clause was to allow liquor to be sold in a theatre when the place was open for a public entertainment. He was not prepared to say whether or not improper performances might be got up in a theatre; but, if they were, another Bill could be passed for regulating the use of theatres. He did not think any performance in a theatre would be got up merely to obtain the privilege of selling liquor there and making a profit in that way, because a liquor bar in a theatre would not be specially attractive in competition with the liquor bars in hotels. As to not selling liquors during the time of rehearsal, he would accept the amendment.

Amendment put and passed.

MR. ILLINGWORTH moved, as a further amendment, that the words "Christmas Day or Good Friday" be added at the end of the clause, so as to prohibit the sale of liquor in theatres on those days as well as on Sunday.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 8:

Agreed to.

Clause 9—"Definition of 'Commissioner:"

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as an amendment, that the following words be added at the end of the clause:—"and the words 'general manager,' the general manager for the time being of any private railway." He said it was desirable to give power to the general manager of a private railway to sanction the granting of a liquor license to refreshment rooms on that railway, in the same way that the Commissioner of Railways could grant such licenses on a Government railway. In the case of the Commissioner, however, the power was given to him absolutely to grant or cancel licenses on the Government railways; whereas it was intended in the other amendments to be moved that the power should be limited in the case of the general manager of a private railway, who should be able to grant licenses, but the Colonial Treasurer was to have power to fix the fee, within certain limits provided in the Bill, and also the power to cancel such licenses, while the license was to relate only to the lessee or occupier of the room or rooms obtained from the railway authorities for that purpose. That met the case of private railways. On the Midland railway he was informed, it was necessary to have liquors sold at certain stopping places for the mid-day meal; but, in order that this facility should not be used for supplying liquor to all people in the neighborhood, whether railway travellers or not, the sale of liquors was to be restricted to a reasonable interval before and after the arrival or departure of a train. This explanation would show the whole scope of the amendments he had put on the Notice Paper.

Amendment put and passed.

Clause 10—"Repeal of part of section 37 of 42 Vict., No. 31:"

Agreed to.

Clause 11—"Railway Refreshment Rooms, Queensland Act, 49 Vict., No. 18, Part S. 134."

THE ATTORNEY-GENERAL (Hon. S. Burt) moved the following amendments to the clause:—To insert the following words after the word "fixed," in line 4 of sub-clause 1, "in the case of a public railway;" to insert after the word "Commissioner," in line 5, the

words "and in the case of a private railway by the Colonial Treasurer;" to insert after the word "Commissioner," in line 6, the words "in the first of such cases, and the Colonial Treasurer in the second;" to strike out the words "by the Commissioner," in line 8 of sub-clause 2. He said that the amendments all carried out the proposition he had explained.

MR. RANDELL said that if it were possible some provision should be made with the view of securing to the travelling public on these railway lines proper accommodation.

MR. HASSELL said he agreed with the hon. member for East Perth that something should be done to provide decent accommodation.

MR. GEORGE said he would like to see a provision made that adulterated liquor should not be sold as the genuine article, and should not be calculated to drive people mad or make them ill.

Amendments agreed to.

Clause 12—"Commissioner may make regulations for refreshment rooms, etc. *Ibid* part s. 134."

THE ATTORNEY-GENERAL (Hon. S. Burt) moved to insert the following words after the word "Commissioner" in line 1:—"In the case of a public railway, and the general manager in the case of a private railway."

MR. JAMES said he preferred to see the same rule applied to the granting of licenses on private railways as that which prevailed on public railways. In the latter case licenses were granted and revoked by the Commissioner, but, if the amendmen twere carried, the licenses to a private railway, which were granted by the Colonial Treasurer, would be revoked by one of their own authorities. He therefore suggested that the words "Colonial Treasurer" in the amendment should be substituted for the words "general manager."

THE ATTORNEY-GENERAL (Hon. S. Burt) said he committed an error when he said that the Colonial Treasurer should cancel the licenses to private railways. He should have said the general manager should have that power. With regard to the suggestion of the hon. member for East Perth, he would suggest that Parliament could hardly legislate in the case of a private railway in the direction of empowering a Government officer to cancel the licenses of the refreshment rooms. The general manager would never brook the Colonial Treasurer issuing an order for the cancellation of a license which he recommended for granting. The power to deal with the licenses on private railways must be left to the authorities of those concerns.

MR. PIESSE said he thought it was generally provided, when those licensees took a lease of a refreshment room on a private railway, that the general manager should have the power to discontinue the lease at any time, and he was of opinion that the same power in the case of licenses for refreshment rooms should be vested in the general manager.

MR. JAMES said he wished to point out that the licenses were not granted for the benefit of any railway, but for the benefit of the travelling public. Why should the general manager of a private railway, who represented the interests of the shareholders, have the right to cancel the licenses, when the grounds for cancellation depended upon the treatment the travelling public received? He would like to know if there were any instance in Australia at any rate, where private persons were allowed to cancel public licenses. He thought that in order to guard against possible abuses, some public official should have control of them. He thought it would be desirable to add the words "or Colonial Treasurer" after the word "general manager" in the amendment of the Attorney-General, in order to prevent any wilful breaches of the law being committed.

MR. GEORGE said he could not agree with the suggested amendment of the hon member for East Perth, because he objected to a subordinate officer of a railway or of any business concern, being vested with power to override the General Manager. He would like to see power given to force the establishment of refreshment rooms on private railways. He took it that the General Manager, in granting licenses, would make such provisions as would protect his company from having the aspersion cast upon them that the refreshment rooms on their lines were not properly conducted, and he could not believe that any general manager would license a badly conducted refreshment room on his company's line, merely for the sake of putting a little money into the Treasury.

THE CHAIRMAN said he was not aware that the hon. member for East Perth had moved an amendment to the proposed amendment.

MR. JAMES said he would move to strike out the words "general manager" with a view

to inserting the words "Colonial Treasurer" in lieu thereof.

MR. ILLINGWORTH said he would suggest an amendment that would probably attain the end of the hon. member for East Perth. He rather objected to the general manager of a private railway having the power to grant licenses at all.

THE PREMIER (Hon. Sir J. Forrest): He cannot grant them.

MR. ILLINGWORTH said the case would be met if the following words were inserted after the word "and" in the proposed amendment:—"On the recommendation of the." The clause would then provide that the Commissioner in the case of a public railway, and on the recommendation of the general manager in the case of a private railway, could make regulations for the conduct of refreshment rooms, or cancel any license.

MR. MARMION said the Government should control the licenses, and not the general manager of the company, because the licenses were in the first instances granted by the Government. He quite agreed that the same rule should apply to both public and private railways in the revocation of refreshment room licenses, and the alteration suggested by the Attorney-General would, therefore, in his opinion, be a mistake. He favored the suggestion made by the hon. member for Nannine that the general manager of a private railway should have the power of recommendation.

THE ATTORNEY-GENERAL (Hon. S. Burt) said he was fully persuaded that the authority to cancel those licenses should be given to the person responsible to the Government for the management of the line.

MR. ILLINGWORTH said that it was not desirable that the Colonial Treasurer should grant the license, and that the general manager of the private railway should cancel it. He asked hon. members to suppose for instance that the general manager was a relative of the brewer or the wine and spirit merchant who supplied the liquor, and that he was temporarily interested in the businesses mentioned. In such a case it was not at all likely that he would cancel the license. And then, supposing there were dozens of complaints from the general public with regard to the management of any refreshment room, the Colonial Treasurer would not, if the Attorney-General's amendment were carried, have the power to cancel the license he had granted, and as a matter of fact the license would be perpetual, except at the will of the general manager of that particular company.

MR. LEAKE said the difficulty that he saw in the amendment of the Attorney-General was that there would be an immediate conflict of authority if it were passed. Why should the Government part with the power they possessed to cancel those licenses? The power to grant them should also include the power to cancel them. The amendment of the hon. member for Nannine would not divest the general manager of a private railway of any authority, because nothing would be done except on his recommendation.

MR. HOOLEY said he could not support the Hon. the Attorney-General in seeking to hold a general manager responsible. He could not see where the responsibility came in, and therefore, should support the power being placed in the hands of the Colonial Treasurer.

MR. MARMION pointed out that according to Clause 11 it was not the Colonial Treasurer, but the Commissioner of Railways who granted the license.

MR. GEORGE rose to explain that, in making his previous remarks, he did not know that it was the Colonial Treasurer who was referred to, but he thought it was the treasurer of a private railway company.

MR. JAMES suggested it would be much better to have the license granted by the Colonial Treasurer, rather than by any general manager.

Amendment on amendment, by leave, withdrawn.

Amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) then moved his amendment as follows:—To insert after the word "commissioner," in line 1, the words "in the case of a public railway, and the general manager in the case of a private railway."

Amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as a further amendment, to insert after the word "and," in line 4, the words "the Commissioner or the Colonial Treasurer," and after the word "issued," in the same line, to insert the words "by them respectively."

Further amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as a further amendment, to strike out the word "section" at the end of the clause, with a view of inserting the word "Act" in lieu thereof.

Further amendment put and passed.
Clause, as amended, agreed to.

NEW CLAUSES.

The ATTORNEY-GENERAL (Hon. S. Burt) moved the following new clauses be added to the Bill:—Part III.—Miscellaneous: Amendment of Section 14 of 44 Vict., No. 9.—13. The 14th section of the principal Act is hereby amended by striking out the words "in which the population does not exceed fifty persons," and substituting in lieu thereof the words in which the adult male population does not, in the opinion of the Licensing Magistrates, exceed one hundred persons." Amendment of Section 20 of 57 Vict., No. 25.—14. The 20th Section of the Act 57 Vict., No 25, is hereby amended by striking out the words "after the population of such townsite exceeds one hundred persons," and substituting in lieu thereof the words "after the adult male population of such townsite, in the opinion of the Licensing Magistrates, exceeds one hundred persons." He said that, under the 14th Section of the principal Act, what were called wayside licenses had been granted, within a radius of ten miles of any townsite, where the population did not exceed fifty persons. That had been the law for years, but when population grew to two hundred or three persons in that neighborhood, the issue of general publicans' licenses became a necessity. For that the fee to be paid was £40, whereas for a wayside license the fee was only £10. Then, too, the wayside licensee claimed to have their licenses renewed every year, which led to their continuance side by side with licenses for which a fee of £40 was paid. If the holder of a wayside license applied for a fresh license, the Bench could refuse it, because the population was no longer under 50, and the licensee would have to pay £40 instead of £10. That was remedied by Section 20 of 57 Vict., No. 25, which provided that no one should have right to a renewal of a wayside licence after that Act came into force where the population exceeded 50. Then, again, that was amended by making the number 100, but there arose a difficulty as to what constituted a hundred persons, whether it included women and children, so that it was now proposed to insert the words "adult male population" in the interpretation of the principal Act, and also 57 Vic., No. 25. There were many of these wayside licenses in the country that it would be a pity to disturb, such as that at the 125-Mile on the Albany road, and many others.

THE CHAIRMAN pointed out that the proposed alterations were not in accordance with the title of the Bill.

THE ATTORNEY-GENERAL (Hon. S. Burt) said he proposed to amend the title by the insertion of further words.

THE CHAIRMAN suggested that progress should be reported, so that direct instructions might be given by the House.

THE ATTORNEY-GENERAL (Hon. S. Burt) pointed out that the Bill they were dealing with was for licensing refreshment rooms, and those licenses could not be granted except under the Act which was to be therein incorporated.

THE CHAIRMAN said it was clear to his mind that an instruction from the House was necessary in making so wide a departure from the title of the Bill. The Committee could not amend the title of the Bill.

MR. JAMES wished, before progress was reported, to call the attention of the Attorney-General to the question as to whether any person licensed under part two of the Bill was subject to any penalties except as under the license, because it seemed to him that part one and part two were not the same thing. Section 11 provided for the sale of liquor when a train was at the station, but if the licensee sold liquor at any other time he could not be convicted. [THE ATTORNEY-GENERAL: Yes, he can be.] When the proper time came, he (Mr. James) intended to move that persons holding these licenses should be subject to the ordinary conditions of a general license.

On the motion of the ATTORNEY-GENERAL, progress was reported and leave given to sit again.

DUTIES ON ESTATES OF DECEASED PERSONS BILL.

SECOND READING.—ADJOURNED DEBATE.

Debate on the motion for second reading resumed.

MR. LEAKE: So far as this Bill is concerned, I may say at once I approve of the principle, and intend to support the Attorney-General in passing it through the House. There is nothing in its clauses that calls for any particular comment. There may be some alteration required when we get into committee. I particularly refer to schedule 2, which seems to be the principal part of the

Bill. I appeal to the Government not to impose these duties upon small sums of money, but to put the limit as high as they can, say up to £3,000 or £4,000. An estate of £30,000 could, of course, afford to pay the duties better than an estate of £2,000 or £3,000. Unfortunately there are not many rich people amongst us, and it would be a pity to tax the small ones. The amount is very small, and would scarcely be worth the trouble of collecting, so I ask the Attorney-General to consider the question of raising the limit under the second schedule. In all other respects I shall support the Bill. I am very glad that the Government has at last seen fit to bring forward this Bill. It is one I have long advocated. I advocated it at the last election, and I shall be glad to see it become law.

Question put and passed.

Bill read a second time.

LICENSED SURVEYORS' BILL.

LEGISLATIVE COUNCIL'S AMENDMENT—IN COMMITTEE.

The message from the Legislative Council was read as follows:

MR. SPEAKER,

The Legislative Council acquaints the Legislative Assembly that it has agreed to a Bill intituled "An Act to regulate the Licensing of Land Surveyors," subject to the amendment contained in the schedule annexed; in which amendment the Legislative Council desires the concurrence of the Legislative Assembly.

GEO. SHENTON,
President.

Legislative Council Chamber,
Perth, 8th August, 1895.

Schedule showing the Amendment made by the Legislative Council in "The Licensed Surveyors' Bill."

On page 6, Clause 15, Sub-Clause 2, line 2.—Strike out all the words after "commit" and insert "but the employer of such Surveyor shall be liable, at the suit of the Surveyor, to reimburse him if the act occasioning such damage was sanctioned by such employer,'" in lieu thereof.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) moved that the amendment be agreed to.

Question put and passed.

Resolution reported to the House.

Report adopted.

Ordered, that the resolution be transmitted by message to the Legislative Council.

MARRIED WOMEN'S PROPERTY BILL.

THE ATTORNEY-GENERAL (Hon. S. Burt): This Bill has come down from the Legislative Council, where it has been passed. It is in no sense a Government measure, but at the request of the mover, I have undertaken to move the Bill in its earlier stages. It is copied from an English Act, lately passed, and is brought up to date, on the same footing as in England. I do not think the second reading need be delayed. I shall have another opportunity of speaking on it in Committee. I move the second reading of the Bill.

Question put and passed.

Bill read a second time.

GOLDFIELDS BILL.

SECOND READING.—ADJOURNED DEBATE.

MR. ILLINGWORTH: Mr. Speaker, I think I have just cause to complain of the position I have been placed in to-night by the hon. member for Yilgarn; but I am not going to complain. At the same time, it is strange to me that the hon. member, after moving the adjournment of the debate, and considering that he is the senior representative of the goldfields, should not have opened the debate this afternoon, and have fully dealt with the great questions embodied in this Bill. I may say, Mr. Speaker, at the outset, that I am very pleased at the action of the Government in responding so heartily to the earnest requests hon. members representing the goldfields have repeatedly made for very necessary alterations in the Mining Act of this colony. I well remember that when I first urged the matter before this House I was told by the Premier that the Act was a very good one—that it was good because it was, practically, the Queensland Act. Later on, when the press and others who were interested in the welfare of the mining industry urged the same thing as I did, we obtained the admission that it might want some alteration. I am pleased to see that further consideration has induced the Government to place before this House what is, in most respects, an excellent amendment of the existing Act. Another thing I would like to say, too, is that in such a

country as this, where the scenes on the goldfields are changing every day, and the circumstances around us grow different, amendments of Acts dealing with the gold-mining industry will require to be frequent. They will really have to be made just as circumstances call for them. What I regret is that it does not contain any provision for dealing with the early history of the goldfields by means of local boards. This is a matter hon. members will recollect was urged by me last session; and when I did urge the desirability of having local boards, I did so because of certain experience, and because I knew they had worked well in the colony of Victoria. I was met at the time, and I have no doubt I shall again be met, with the statement that these boards are not working well in Victoria. That is perfectly true, and for the reason that the circumstances have altered. Mining in Victoria is not to-day what it was when these boards were instituted; but when they were first instituted it is beyond doubt, that they worked well. They certainly worked well for fifteen or twenty years, and they would work just as well in the earlier life of the goldfields in this colony. The history of this colony is going to be the same as that of other colonies. We must remember that we are making rapid progress, and that there are a great number of mining companies being established here. We will have a repetition here of the way in which these companies become powerful, and it was because of this that the boards in Victoria lost some of their usefulness. Still, the experience I have gained teaches me that much good could be done by following this system for the present in regard to our goldfields here. As I have said before, there are certain to be important changes, and those changes will necessitate repeated alterations in our mining laws. At present I believe I am right in saying that the mining community are exceedingly gratified at the manner in which the Government have endeavored to meet their wishes. The action the Government have taken in reducing the price of miners' rights is one which, I am certain, every miner will be grateful for. Personally, I think this reduction was a very fair thing to do. There is a good deal in this Bill with regard to the conditions under which work can be suspended on mines, and there is good reason why protection should be granted in many cases, so long as it does not injuriously affect the interests of the working miner. The question of amalgamation of leases is one of the most important ones in the Bill, and, having looked carefully through it, I certainly think there will be room for improvement in Committee. I am thoroughly in accord with the principle, so long as it cannot be abused. For instance, anything like evasion should be rendered impossible. It appears to me that, as the Bill stands at present, a person might take up six acres along the line of reef—in fact four persons could take up six acre blocks instead of joining in one lease of 24 acres. By taking the smaller blocks up separately they would succeed in very largely increasing the length of ground they would otherwise be capable of taking up along the line of reef. If this kind of lease is allowed it does appear to me very possible that speculators may get ground taken up in this manner for the sole object of securing the increased distance along the line of reef.

THE ATTORNEY-GENERAL: That is provided for.

MR. ILLINGWORTH: Then I have overlooked what the provision may be. If it is provided for, then, of course, the object of the Government is a sound one. It is very possible that in many instances there should be some provision made for the amalgamation of leases. There are cases where the sinking to a certain depth to reach the underlay has shown that the shaft will have to be carried far deeper. I have a case in my mind now—that of the Day Dawn in my own district. In that mine they are sinking a shaft to catch the underlay, and they do not expect to reach it until they are at least 600ft. from the surface. They have fixed the line of reef and the underlay, and, as I have said, have to sink to a great depth to pick it up. This is the class of work we want on our fields, and if we can prove that some of these reefs are to be taken up at great depths, we at once establish a principle which must be of immense value. I sincerely hope, therefore, that every facility will be given for amalgamation of leases where it may be legitimate, and where the proper development of these leases demands that work should be concentrated upon one, and that the machinery should be concentrated in the same manner. If you do not permit amalgamation under proper restrictions, and compel every company to go on working each separate lease, it will not only be at great expense, but the effect will be

most disadvantageous to the industry. In my opinion all men working on a claim should be counted. I know of an instance where a Warden has declared that every man included in a count of men working on a lease, should be an actual miner. A man who goes away into the bush to cut timber for the claim would not be counted by this Warden; neither would the blacksmith be included as among those working on the mine. Every man should count if he is on a claim, or working for it. If a company is paying a number of men to carry on the work at a claim, the man on the brace should be counted just as much as the man who is down below at the face. As I said before, everyone should be counted. What I will call the "jumping clause" of this Bill appears to me to be difficult, and have many disadvantages. I am afraid. that the operation of the clause, as it is printed, will have the very opposite effect to the one intended, and it will do exactly when the Attorney-General does not want to be done. I am afraid that if nothing more stringent is brought in to the Bill, we shall have many speculators who will run the risk of incurring the penalty of the fine rather than do any actual work on their leases. These are some of the conditions we must look at from other points of view than merely that of the speculator. We must see that we protect the laboring classes just as much. The miners themselves are the people whose interests we have to consider. They are coming here fast, and will soon be the mass of the population. They are the men with whom we have to deal—the men who work on these claims for wages. Above all things, while we must be fair, we must recollect that we must protect the man from whom we draw our revenue, and that man is the working miner. The time will come when the country will get out of these mines nothing but what it gets out in the shape of labor, and we have to protect those who are the laborers. We will have to see that while the companies are treated with every reasonable liberality, they are compelled to carry on work properly, and not to block out large tracts of country in the interests of foreign capitalists. I am afraid that the jumping clause, as it appears here, is adverse to the well-being of the industry, and will generally act in favor of the speculators. Just now, of course, the interests of the speculators are considered paramount, but, so far as this House is concerned, we must deal with the question as it affects the men who are mostly working for wages. While we recognise that special facilities ought to be afforded to companies who will have to go down to great depths, we must not forget the interests of the workmen—the men who are here and will come here to battle hard for their living, and who may have to do the sinking at great depths. We must be very careful, indeed, to see that the operation of this clause is not capable of permitting any man to hold territory without working it, and, at the same time, preventing men either getting wages from the company or taking what is to be got by themselves. If companies are permitted to work under this jumping clause, let us see that all the conditions as to labor are properly carried out. I will have something to say on this point when the Bill is in Committee. The clause providing for a lien for unpaid wages to miners will be a provision every miner will be grateful for. This matter has been in a most unsatisfactory state on the goldfields, and the present clause is one I receive with very great pleasure. I am glad to see in this Bill another thing to be commended, and I ask the House to support it, and that is the right of appeal from the Mining Courts. I must commend the Attorney-General for the wisdom he has shown in sailing between two very difficult and dangerous points. The Attorney-General has certainly taken a course which I commend him for. I may mention to the House that there have been several amendments and suggestions sent down to me. With some of these I agree—with others I disagree; but I think it will be far more satisfactory if we leave the consideration of these proposals until we have the Bill in Committee. This Bill is one which I personally welcome as being a step in the right direction. I may say further, that if I know anything about the feeling in the goldfields districts, the people on those districts will regard the Bill as equally welcome. It is not perfect, and I would impress upon the House the fact that it cannot possibly be final legislation on this question. I hope the Government will be prepared from time to time to make additions to the mining legislation of the colony, in order to always give the necessary amount of encouragement to this great industry which is doing so much for this country. I would like to see the regulations that are to be drawn up under this Bill made as elastic as possible.

Districts differ very much—some of them materially—and circumstances are often widely different, so that I hope the Government, in framing the regulations, will make them as elastic as possible, to meet many difficulties that will arise. It must always be recollected that in passing this Bill we shall not have done with the question, but that additional legislation will be necessary to keep pace with the progress and requirements of the industry in future. I hope that the Government will carefully consider whatever amendments are submitted from the goldfields. I thank them for the way in which they have met whatever suggestions have been made, and I shall do all I possibly can to assist the Government in making the measure as nearly perfect as possible to meet the present requirements. I again say that the miners will be grateful for this Act, and will cordially welcome it as a step in the right direction.

MR. MORAN: I am glad, Mr. Speaker, that this Bill has now come before the House for its second reading, for, as far as I have personally been concerned, I have been very anxious for the discussion to come on, and for the Bill to come into law. I was prepared to speak on the Bill some weeks ago, but was urged to agree to the postponement of the question to suit the convenience of the hon. member for Nannine. I must say, Sir, at the very outset that I am somewhat surprised at the tone of the hon. member's speech. I certainly hoped to hear something from him that would be more forcible, something far stronger, and something better indicative of the feeling on the goldfields. I have no hesitation in saying that although he sits on the Opposition benches, and I on the opposite side of the House, that whatever I have to say on this question will be something stronger than the tone adopted by the hon. member for Nannine. When the Hon. the Attorney-General was introducing this Bill, he informed the House that it made very few alterations in the existing law. We now find that this is not so at all, but that the Bill proposes to make greater divergence in legislation than has ever been sought before in the mining legislation of any country since the history of Ballarat. The first question I desire to allude to is that of alluvial mining. With the alterations proposed by the Government, I think I can say I am heartily in accord. At the same time I think I may fairly take to myself some of the credit for securing for the alluvial miners the power to do work they were never permitted to do before. I have fought for the rights of the alluvial digger ever since I entered this House, and it was not so long ago since the Attorney-General charged me with being responsible for a demonstration at White Feather which almost amounted to an insurrection. I only organised an expedition to stand up for rights which it is now proposed should be given to them by this Bill. We are now only going to do justice to the men to whom is really due the credit of opening up the fields, and of going further off to discover new ones. A little confusion has been caused, I notice, in connection with the definition of what the alluvial miner is entitled to. Part of Section 4 gives the definition of "alluvial" to be:—"Any loose soil, earth, or other sub-"stance containing, or supposed to contain, "gold not being a seam lode or quartz vein." This is distinct, and deals with a question that was very much agitating the goldfields last session. That question was the one of dealing with cement deposits, and it has arisen in connection with the 25-Mile. This definition of alluvial sets at rest any doubt, and confirms the right of the miner to this class of stuff. Now, let us look at the definition of "claim." Another portion of the same section defines that as follows:— "Claim.—The portion of Crown land which "any person or number of persons shall law-"fully have taken possession of, and be en-"titled to occupy, for the purpose of mining "therein for gold, or any number of such por-"tions lawfully amalgamated by their owners, "but shall not include any land com-"prised in any lease granted under "this Act or any Act hereby repealed." That also is distinct, but, after carefully considering it, I want hon. members to turn to Clause 35, and I will show how that requires alteration, for the simple reason that unintentionally, and because it was probably hurriedly drawn, it does not express the meaning the Government proposes it should. The clause as printed reads:—"Pending any application "for a gold-mining lease under the provisions "of this Act, it shall not be lawful to mark out "as a claim or include within the boundaries "of a claim, the land applied to lease or any "part thereof and no such marking out shall "confer any right or title to the said land and "no person shall enter upon, occupy, or in any "way interfere with such land during the

"currency of the application for lease, and "until and unless the said application has "been refused and such refusal published in "the *Government Gazette*, subject, however, to "the working of the said land in the manner "and by the number of men as prescribed, and "to other the regulations affecting the same." That is very distinct as it appears there and prohibits alluvial miners going on to ground held under lease. Now, when you turn back to Clause 30 you will see that Clause 35 is a distinct contradiction of it. I believe the Government are anxious to do all they can for the alluvial miner, but these two clauses are most incongruous. In fact they are the antithesis of each other, and I hope the Attorney-General will make such alterations as will place the alluvial miner in a better and proper position.

MR. ILLINGWORTH: We take it that is the desire of the Government at the present time.

MR. MORAN: I hope it is. We will prove whether it is when we get the Bill in committee. I will read Clause 30 to the House, and hon. members can then see for themselves how contradictory the two clauses are. Clause 30 reads:—"For a period of twelve calendar "months following the date of any application "for lease, and such further period as the "Warden may allow, and notwithstanding the "lease has in the meantime been granted, any "miner may enter upon any land the subject "of such application or lease which is not held "under a miner's right, to within fifty feet of "any reef situate thereon, for the purpose of "searching for and obtaining alluvial gold, "Provided that the applicant or lessee may "mark out or otherwise delineate upon such "land the line of any reef or reefs situate "thereon, and it shall be incumbent upon him "so to do within forty-eight hours of his being "served with a notice in writing to that effect "signed by a miner." I may inform the House that the case of the miners at the 25-Mile, of which a good deal has been heard, has come before the Government, and the Government have decided that every possible facility should be given to the alluvial digger, and that he should have every power under his miner's right. I am sure the desire of the Government is to help the alluvial digger in getting on to quartz leases as much as possible, so that shallow sinking can be done by large numbers of men instead of their being prohibited from going on to the lease at all. This being so, I trust whatever alteration is necessary between the two clauses I have quoted, will be made. I have previously said there is a great deal of agitation on the fields with regard to the difficulties in the way of the alluvial miner, and the position of those at the 25-Mile, and that this is so can best be judged by my reading an extract from the Coolgardie *Courier* of August 3rd. That paper states:—"A question has "arisen—or rather has been precipitated— "within the last ten days which is of the "keenest importance, not only to those imme- "diately concerned, but to all classes on "the field. An illustration of what we mean "may be seen at the White Feather, which "town was on the eve of a boom—indeed, "Kanowna was preparing to snuff out Kal- "goorlie, and even rival Coolgardie—when a "blight fell upon its aspirations. The allu- "vial diggers were stopped from working by "that potent legal phrase, 'an injunction,' the "place became comparatively deserted, pend- "ing the slow processes of the law, only a few "reefers remaining about, business buildings "were left half erected, and trade shrank to "meagre proportions. Everything seemed "semi-paralysed. The district, which had "become a fashionable hunting ground for "the agents of English capitalists, was "shunned by these solid speculators, and like "Titipoo, the Feather was reduced from the "rank of an embryo city to the position of a "common mining village. Anyone who is the "least little bit observant will see that this is "not a very overdrawn comparison, while the "importance of the matter itself cannot be "exaggerated. Things have practically been "at a standstill at Kanowna for some months "past, owing to the cement workers having "been restrained from winning gold out of "their claims. But it is likely that owing to "the discovery of another cement deposit, nine "miles from the 25-Mile, the solution of the "whole question will be accelerated. . . . "We believe that it was to the advantage of "the whole community that a liberal reading "should be given to this word alluvial, and "therefore we hope that no antiquated ideas "on the subject will be allowed to influence "the decision, which will probably rule all "similar cases in future."

The Speaker left the chair at 6.30.

At 7·40 p.m. Mr. Moran called attention to the fact that a quorum was not present.

THE SPEAKER: If the hon. member draws

attention to the fact that there is not a quorum present, I shall have to adjourn the House.

A quorum having been obtained,

MR. MORAN continued. He said: Before the adjournment I was reading a quotation, showing that a general opinion on the goldfields is in favor of giving the alluvial digger the most favorable consideration, without in anyway infringing on the rights of the leaseholder; and I think the Government have recognised that this is possible. All that remains to be done now is to make plain the conditions under which this can be done when the Bill is in Committee. I have only a little more to add to what I have said with reference to the alluvial digger. I protested last year against the provision prohibiting the alluvial digger from working up to within distance of 100 feet from the line of a reef, and I protest now that 50ft is too much altogether. Anyone who knows the history of our goldfields will agree with me that a very large portion of the alluvial gold has been found within 50ft of the reefs from which the gold has been shed, and if this provision had been carried into effect at the time when that very important centre—Kalgoorlie—was started, fully one third of the alluvial gold obtained there would have been lost to the alluvial digger.

MR. ILLINGWORTH: If it were not for the following up of the alluvial, the reef would not have been found.

MR. MORAN: That is perfectly true, for all the large mining centres in the colony have been discovered by the alluvial digger.

MR. FORREST: I dispute that altogether.

MR. MORAN: Simply because the hon. member knows nothing about the matter. It is well known that the work of the alluvial men in the Coolgardie, Kalgoorlie, White Feather, and the 90-Mile districts, or in any of the large centres, has led to the discovery of leaders on the cap of the reefs, and then capital has been invested.

MR. FORREST: Perhaps they found the Wealth of Nations.

MR. MORAN: I do not know whether they did or not. I should like to see the distance, within which the alluvial digger can work alongside a reef, reduced, when the Bill is in Committee, from 50ft. to 20ft. Alluvial gold follows, in every instance, the line of reef, but I do not think it is found, in payable quantities, 50ft. away. I believe the leaseholders of Coolgardie will agree with me in that, and in an agitation I started in Coolgardie on the subject, I had their support, and I know that dozens of them have no opposition to the alluvial digger going on their property and getting the gold which he has a right to obtain. It is an unwritten law in the other colonies that the alluvial gold belongs to the alluvial miner, and in advocating the reduction of the limit in which they can work to within a reef, to 20ft. in this colony, I know I shall voice the opinion of the majority of the alluvial men. I now come to the portion of the Bill dealing with the mode of application for leases held under the Crown. It is proposed to make radical and startling changes in the present law, changes which have never been made in any other part of Australia, and which are altogether at variance with the two golden rules of mining law, drawn by a prominent Queensland lawyer —who is an authority on the subject—which are: first, priority of right to a piece of ground, which, when obtained, may be worked by the holder to his own advantage, provided he fulfils all the conditions; and second, that in justice to the colony, the holder is bound to fulfil the labor conditions, in default of which he shall forfeit his right to the ground to the first man who applies for it. Now mark the importance of the gigantic alteration to those rules, proposed in this Bill. Clause 38, dealing with the penalty for not working a lease, says:— . . . . . "If the evidence "taken shall disclose that the number of men "employed on the said land or solely in con- "nection therewith is not equal to the number "required as aforesaid by the regulations to "lawfully occupy and mine upon it, the War- "den may inflict a fine or penalty not "exceeding one hundred pounds, in lieu "of recommending forfeiture. . . . . ." Now that is a most radical change and one that we should very carefully consider before we carry it into effect. I admit the question of forfeiture of land for non-fulfilment of the labor conditions is a most difficult one to deal with, and it has been found to be so all over Australia and the United States of America; but here we propose to introduce for the first time a provision inflicting penalties for offences against the labor conditions of £100 for the first offence, and of not less than £100 and not exceeding £200 for the second breach, thus abolishing the old established system of forfeiture in default of complying with the conditions laid down. No

minimum penalty is stated, but I do not complain so much of that as I do of the dangerous feature of this Clause which I shall refer to. Hitherto when a man was found to be neglecting the labor conditions under which he obtained his lease, the person who, in order to protect the colony, informed against him, was rewarded for his action by the ground being leased to him on application; but if the proposal of this clause be carried out, there is no hope of reward for the man who reports the non-fulfilment of the labor conditions on any particular lease; but, on the contrary, the evil of shepherding will be encouraged. I would favour the proposal if it would prevent some of the dishonest practices resorted to, but I think we shall have a condition of wholesome shepherding throughout the fields if we pass this clause as it stands. We must introduce a provision into the Bill by which the man who reports the non-fulfilment of the labor conditions on a lease will get one half, if not the whole of fine the imposed; and further I would like to see a minimum fine fixed, a reward provided for the man who acts as a Vigilance Committee, and the option given to the man who is reported upon, of forfeiting his lease instead of paying the fine. While referring to a Vigilance Committee, Sir, I see that it is the intention of the Government to appoint Mining Inspectors, a step which I advocated when I first entered the House. It will be their duty, no doubt, to see that not only are the mines being worked with due regard to the safety of the employees, they will, as in the case of Land Inspectors, report as to whether the labor conditions are being fulfilled or not, while at the same time they should be empowered to insist that the leases should be properly worked. Further on in this Bill, most liberal terms are given to leaseholders in the matter of exemptions, six out of 12 months being allowed, and I do not think the time is any too long to allow a man, who has but little money, to leave his claim to seek for capital and to obtain machinery. This being so, and as it, is the intention of the Government to appoint Mining Inspectors, I hope instructions will be given to them to see that during, the remaining six months of the year, work is properly carried out on the claims. Now I come to another great condition of the Bill, that which deals with the amalgamation of leases. Clause 36 says:—"When it shall appear to "the satisfaction of the Minister, after report "from the Warden, that any two or more "adjoining gold mining leases can by amal- "gamation be more efficiently worked as one "mine, the Minister may authorise such amal- "gamation upon payment of a fee of twenty "shillings for each lease so amalgamated: "Provided that the total area shall not exceed "twenty-four acres, and the proportion of "length to breadth shall be as prescribed, and "the labor to be employed on in connec- "tion with such amalgamated leases shall be "the sum of the labor conditions in each "separate lease." I congratulate the Government on the insertion of this Clause, and shall heartily support it, as it will provide efficient means for proving legitimately, the richness and permanency of newly formed centres. Nothing is more ridiculous than to have little potholes being sunk in a lease in order to try and find the reef, and nothing is more undesirable than to have every man waiting for his neighbor to prove it. This clause, however, will do away with that state of things, and will allow the amalgamation of the leases of neighboring mines, by means of which a proper shaft of say 100 ft. in depth could be sunk in order to prove the lode instead of four or five being sunk of about 20ft. each. The clause will inflict no hardship whatever on the working miner who will not be deprived of his means of living. I now come to the provision for exemptions. Clause 24, provides for the granting of exemptions to leaseholders under certain conditions, just as Clause 39 provides for suspension of work on claims. It says:—"The registered "owner or a majority of the registered owners "of any claim or other authorised holding who "shall prove to the satisfaction of the Warden "by evidence on oath in open court than any "of the causes for suspension of work in such "claim or authorised holding hereinafter in "this section mentioned actually exists, may "be granted by such Warden suspension of "work therein for any period not exceeding "six months in any one year. And thereupon "such owner or owners shall register such sus- "pension with the Mining Registrar, and shall "hold such claim or holding without incurring "in any respect thereto any penalty for the "breach of any of the provisions of this Act or "the regulations relating to the working of "claims during the same period." Then follows a statement of the causes which shall justify a suspension of work on a claim. Hon. members will, therefore, see that the Bill pro-

poses to deal very liberally with the leaseholders altogether, inasmuch as they are, in addition to being allowed to suspend work granted exemption for six months of the year, thus giving them an opportunity to seek for further capital, and to obtain mining machinery. I would, however, prefer to have a provision made by which the Warden may be empowered to call for evidence from leaseholders to prove that they were in a position to get capital. This will do away with the objections raised by those persons who say that the labor conditions are too stringent. These are, the main principles of the Bill by which the Gold-mining Regulations are altered. They cover important and radical changes, which are to a certain extent, warranted, by reason of the rapid development of the industry in the colony, and it is our privilege to depart from precedents when we have good reasons for doing so. I know the Government have been guided by wise counsellors in proposing such alterations, and no doubt they will be supported by the House. Another new departure is the provision for an appeal from the Warden's decision, which question has been the *bete noir* of many people; but the provision is set forth in such a manner that it will require all the forensic ability of the legal members of the House to make it understood what is the difference between a decision that may be appealed from, and one that cannot be. It is a travesty on British justice that actions bearing on claims to the value of tens of thousands of pounds, should be adjudicated upon by the Warden, against whose decision no appeal can be made to the Supreme Court. At the same time, the Bill, it appears to me, whilst giving the right of appeal under certain conditions, withholds that right under other circumstances. When the then leader of the Opposition, last session, proposed to bring forward a measure providing for the right of appeal, on payment of a deposit of £100, I opposed the idea, because I considered it would be as dead sea fruit to the ordinary working miner, who could not find the deposit in addition to the costs; and I think now that the right of appeal to the Supreme Court should, in the interests of British justice and fair play, be given to the miner, and without any such condition. There is no doubt in my mind—and I think I have referred to the matter before—that the time has arrived when the large goldfield centres should be visited by a Judge of the Supreme Court, as the expense of having to come to Perth to appeal will be very great. This will be all the easier of accomplishment when the railways to Coolgardie and Cue are constructed, and I would remind hon. members that the judges of New South Wales and Queensland had to travel on circuit in large centres before railways were constructed to them. In this colony the salaries of the judges could be increased, and they could be allowed travelling expenses to do their circuit duty. I think it is also time that a special mining judge should be appointed, and I would not be at all surprised if some such step were taken next session. I am not now talking with Ministerial authority; but I must say that whenever a sensible suggestion is thrown out, the Government take it up with alacrity. Now I come to the question of the granting of miners' rights to African or Asiatic aliens claiming to be British subjects, referred to in Clause 12, which is a very objectional feature of the Bill. After making provision for the granting of miners' rights and business licenses it goes on to say:—"Provided always that no miner's right, consolidated mine 's right, or business license shall be issued to any Asiatic or African claiming to be a British subject without the authority of the Minister first had and obtained" I object strongly to that, and I believe the whole of the goldfields will also. A suspicion once existed on the goldfields that certain black gentlemen at Coolgardie were the agents of Alex. Forrest and Co., who were supposed to get hold of these business licenses. I state this for what it is worth. I do not say whether the suspicion was well founded, but I am inclined to believe that there was not so much foundation for the suspicion, as it was thought existed. It is only raising a bogie to say that the British people will be offended if we refuse to allow a colored people, born under the British flag, to come into the colony, and, as their advent into the country is objectionable to the white population of the goldfields, I think this provision should be discarded. It should not be in the power of any Minister to grant licences to these people, and I do not think the present Minister of Mines would do so. I have the greatest confidence in that gentleman. He is a whiteman; but then a future Minister might do so and thus give these aliens authority to compete with white storekeepers of all kinds. I have now touched on all the main

provisions of the Bill. I have not the slightest doubt, that when it is considered in Committee, some of the clauses will be amended in the direction I have indicated. My intentions are purely honorable, and are put forward in furtherance of my desire to do justice to both the leaseholder and the alluvial man. The Bill will do much that is required, but at the same time if we pass it in its present form, we shall encourage the evil of shepherding with regard to forfeitures, remove that incentive to detect default of the fulfilment of the labor conditions under which a lease is granted, and rob the man who reports such default of his just reward. If we amend the Bill in such a way as to avoid those dangers, our goldfields will flourish. If we fail to do so, many good mining centres will be lost to the country and in many cases those already in existence will return to the wilderness state, in which they previously existed. I thank hon. members for the patient hearing they have given me and I hope the Bill will have every consideration, because, it is the most important measure of the session and as such should be fairly criticised and judiciously amended. I thank the Government for bringing it forward and also for introducing another necessary measure dealing with mining, thus showing that they are not adverse to looking after the interests of the poorest man on the field as well as the capitalist.

THE PREMIER (Hon. Sir J. Forrest): Sir, it is not to be expected that a Bill such as this —a Bill consolidating the laws of mining— should meet with the unanimous support of hon. members in its entirety. When it is being considered in Committee we shall of course, be able to discuss each clause, and that will be the time to suggest any amendment or discuss any alteration that may be deemed necessary. I think it was the hon. member for Nannine who stated that in speaking on this subject last year, I said that the law as it existed then was a very good one and did not require very much alteration, that it was the law of Queensland and that if it was good enough for that great country it was good enough for this. I am still of that opinion to a large extent. If hon. members carefully peruse the Bill, they will find that although there are a good many alterations proposed in the law which it will, perhaps, be impossible to carry out, still the body of the measure is the law that has existed in this colony and which now exists in Queensland. I think it was fortunate for the colony, that such a good law existed, otherwise the goldfields would never have been managed as well as they have been. Of course special circumstances arising, necessitate an alteration in the law, and it is not to be wondered at, that as the colony progresses and the gold-mining industry increases so much, alterations are found necessary, and it was with that object that the Government introduced this Bill consolidating the law in regard to the gold mining and making some alterations—important as they are in some respects —to meet the generally expressed opinion upon the goldfields and of those cognisant of the question. It contains one small matter—scarcely worthy of mention although it is of some importance to the goldminer—and that is the reduction of the fee for a miner's right. The Government were very glad indeed to agree with the generally expressed opinion that the price should be reduced.

MR. R. F. SHOLL: Quite unnecessary.

THE PREMIER (Hon. Sir J. Forrest): I do not think the colony will lose much by it, and more miners' rights will be taken out. I am glad that the proposal to allow entry by the alluvial diggers upon leases that have been applied for over twelve months, has met with general approval and it is a wise provision to make, because in a case where a leaseholder has secured a lot of land which he does not require, it allows the alluvial digger to win the alluvial gold from it. It will entail no hardship upon anyone, but will on the contrary, abolish the inconvenient custom hitherto in force of allowing the alluvial digger to enter on a lease and take away the alluvial, the lease not being issued until the Warden has been satsified that all the alluvial gold has been removed. Leaseholders, when they apply for land, want to secure a title, and the sooner they get it the better it will be for them and the colony as well. At the same time the alluvial miner wants to get on to the land to remove the alluvial, and if provision can be made to give the leaseholder a title and allow the alluvial man to enter on the land at the same time, the wishes of both parties will be met and much good will result therefrom. The Bill proposes, however, that the alluvial digger shall enter on a lease that has been applied for for over twelve months, and it is within the power of the Warden to extend that time, and the provision is, I think, a right one. The amalgamation of leases provision, allows for leases, not exceeding

total area of 24 acres, to be amalgamated, in order to prevent the very troublesome and unsafe proceeding of cancelling small leases for the purpose of larger areas being granted. To give up the title of a lease, with a view to getting the title of a larger area, is not a good way of dealing with a lease. Hon. members will notice that provision is made that the proportion of the length to the breadth of an area applied for, is not to be exceeded in the application for a new lease. I think Clause 38, dealing with the forfeiture of leases, is a very important one, and the hon. member for Yilgarn, in speaking on it, dealt with it in a very lucid and fair manner. No doubt the clause will require most careful consideration, in order that a conclusion may be arrived at that will be advantageous and satisfactory to everyone. We have to remember that if a jumper of a claim gains nothing by his action, that will be no jumping, and that, as a consequence, violations of the labor conditions will be general. Now this particular clause has been recommended by those who think they are conversant with the feeling on the question on the goldfields; but I think that, in order to secure the proper working of the goldfields, every man who takes up a lease should understand most clearly and definitely that he is to comply with the labor conditions, and I am afraid—although perhaps I should not say so—that the proposal to inflict fines for the non-fulfilment of those conditions might lead to the leases not being worked as they are at present. If a man has a lease that is worth having, he will no doubt comply with the labor conditions. If, however, he is fined, he will not miss the amount, because £100 is nothing compared to the right to win gold from his claim. As to the inspection of leases, suggested by the hon. member for Yilgarn, I think it is out of the question.

MR. MORAN: You will have to adopt the suggestion.

AN HON. MEMBER: You have already provided for Mining Inspectors.

THE PREMIER (Hon. Sir J. Forrest): The inspection proposed by the Government in another Bill, is in regard to the safety of men working in a mine, but the present system of inspection of leases is such that every man is enabled to see that the labor conditions are carried out. A man does not generally lose his lease unless there is a good reason, because not only has the Warden to recommend that the lease be forfeited, but it has also to be approved by the Governor-in-Council. I think that is a matter upon which we may have differences of opinion, and it may fairly be discussed, so as to arrive at what is best to be done. Clause 41 provides that the Governor's decisions shall be notified in the Government *Gazette*. That will fill up the *Gazette* somewhat. Still, if it can be done, it will be satisfactory to the mining community, who will know what is going on. The question of lien for wages has already been referred to, as also have the clauses referring to appeals. There is one very important point in the Bill. I do not know whether the Attorney-General referred to it or not. I refer to Clause 90, whereby we intend to do what is very necessary to be done, namely, we intend to validate the regulations, so that they can never be questioned after having been placed upon the table of this House for so many days. That is a good clause, and will do away with the necessity for any more decisions in the Supreme Court. The clause will place the matter beyond dispute. With regard to the clause referred to by the hon. member for Yilgarn,—the latter part of Clause 12—which refers to the non-issue of miners' or other rights to Asiatics or Africans, I think the clause will prevent all such from obtaining miners' rights at all.

MR. MORAN: Make it more stringent, make it absolute.

THE PREMIER (Hon. Sir J. Forrest): An alien might present himself at the Warden's office, representing himself to be a British subject, and produce his certificate and prove beyond a doubt, to the Warden's satisfaction, that he was what he represented himself to be, and the Warden might find himself in a difficulty. I do not know, though I speak in the presence of lawyers, but that an application might be made in court for the issue of a license to him; and if it were not for such a proviso as this, making it necessary for the Minister's sanction to be obtained, he might succeed. So that I think the hon. member, instead of finding fault with the clause, should welcome it, as putting more difficulties in the way of an Asiatic, even if he is a British subject, obtaining a miner's right. I think the Government ought to feel gratified at the reception of this Bill, especially by the hon. members for the goldfields, posted up as they are in the wishes and opinions of their constituents. It is a very important Bill, and one in which

we all take a very deep interest, and I do think there is every reason for the Government, and especially the Hon. the Attorney-General, to be gratified at the reception that has been given to the Bill.

MR. LEAKE: There is no doubt but this Bill must pass its second reading, and if any discussion does arise it will be with regard to one or two minor particulars when we get into Committee. There are one or two important matters referred to in the Bill which did not find a place in the old Goldfields Act of 1886, or in any of its amendments. I refer especially to the amalgamation of leases, to the question of special leases, and the right of appeal. It was not until late in the last session of Parliament that we obtained the right for any alluvial miner to enter upon any leasehold land. In considering this Bill, it seems to me that one most important question that we shall have to discuss will be the right of a holder of a miner's right to enter upon leasehold land. Sections 30 and 35 are those that refer to the matter, as was pointed out by the hon. member for Yilgarn. Those clauses certainly appear to me to clash. The reason is that Clause 35 was in the original draft, but Clause 30 was not. Clause 30 was put in after the Bill came into the hands of the Attorney-General, and he had to revise it. I am sure he will agree with me that there is a clashing of enactment in those two clauses. Clause 30 gives the right to enter upon a lease for the purpose of alluvial, whereas Clause 35 protects the area for which an application for lease has been made. That, however, is a matter of detail that can be settled in Committee. It seems to me, as far as I can understand the practice on the goldfields under the law as it now exists, that we should do away with considerable difficulty if we determined that no lease should be granted in any new locality until after a limited time, say six months or so. I know this question has been before the Executive Council.

THE PREMIER (Hon. Sir J. Forrest): How do you know that?

MR. LEAKE: I know a good deal more than you give me credit for. I am perfectly certain the Government will approach this question with open minds, and if, in Committee, we can bring fairly sound arguments to support that contention, they will change their minds and adopt the proposal. One of the greatest difficulties that has arisen in the administration of the Goldfields Act and Regulations has arisen from this. There have always been two classes of holdings. One the holding under a miners' right known as a claim, and the other has been leasehold. Generally speaking, a claim is taken up upon alluvial ground, and a lease upon a reef. Instead of encouraging the miner, that is the holder of a miner's right, to go out and peg out his quantum of ground according to the regulations, and by virtue of his miner's right it seems the authorities have encouraged indiscriminate application for leases, although the regulations provide for miners' claims upon a reef. I do not think there is a single hon. member here who has ever heard or known of a miner taking up a quartz claim.

SEVERAL HON. MEMBERS: Yes, yes.

MR. LEAKE: Well, they have been very few, if it has been done at all. Directly there is a rush, and as soon as any reef is found there is a rush, but not of men holding miners' rights, and who desire to peg out 50ft or 100ft., as the case may be. The rush generally, is not by men of that class, who go with the intention of taking up a claim under a miner's right, but by people who go to peg out 25 acres.

THE PREMIER (Hon. Sir J. Forrest): Not all of them.

MR. LEAKE: Yes, you will find the whole country has been pegged out for miles round by the leaseholder, and they have been able to preclude the small man, the holder of a miner's right, from going on the ground at all. There was a clause in the old Act which protected the ground which was applied for as a lease, from trespass by anyone. That was the trouble, and if we are to encourage the holder of the miner's right, it certainly will be done by Clause 30 of this Bill. We can help to give him encouragement by refusing any application for a lease until six months have elapsed, after the discovery of a valuable reef. I do not go so far as to say I would preclude the original vendor from taking up his 25 acres, but I would prevent the country from being pegged out for miles round by leaseholders. It is well-known that syndicates have pegged out miles and miles of reef, from which dollying stone might have been taken, and which might have been taken a hundred feet at a time, by men holding miners' rights. The only objection that I see to allowing the alluvial holder upon the property of the leaseholder, is this, when once you have granted a lease it implies absolute tenure, and for an

alluvial man to come upon the ground at all he is trespassing upon the leaseholder's rights. I do not know whether it will work. It is a difficult question, and one which we should approach, not with an idea of harrassing the Government, but rather of helping them to arrive at a proper conclusion. I do assure the Government it is my desire to assist them to make this Bill not only a comprehensive, but a workable, good measure, one that shall be understood, not only by members of this House, but by everybody on the goldfields. I shall, indeed, be glad if, by this Act, or the regulations which are hereafter to be made, we discourage the indiscriminate application for large blocks of land, and encourage the holders of miners' rights. If a man has a claim under a miner's right, he can hold the ground himself, and if he has got a very valuable reef that he cannot hold or work himself, then the large man will come in and take up the land as leasehold. The amalgamation of leases is also a new feature in this Bill. I notice the provisions with regard to this matter, but I hardly think they will extend the advantages that are thought will accrue, and for this reason: although the Bill provides for an amalgamation of leases, yet the total amount must not exceed 24 acres, whereas, under the leasing section, you can take up the whole 24 acres in one lease. I do not think it much advantage.

MR. MORAN: It is an advantage to claim holders.

MR. LEAKE: I shall be glad if it is so. I should think if we allowed the amalgamation of three or four leases, say up to 60 or 100 acres, there might be something in it. I only throw that out as a suggestion, as I shall certainly refer to it when discussing the clause in Committee. What we may call the jumping section, No. 38, seems to have given rise to a considerable amount of discussion, and I have no doubt but it will lead to still further discussion. It has this advantage, however, as it appears to me at the first glance, it precludes the possibility of friendly jumping. It will make the friendly jumper a little bit more careful. I should be disposed to suggest that the authorities should not wait for a third breach of the regulations, and the Warden should not have the alternative either of fining or of recommending the forfeiture of the land. The case in the first instance might be so flagrant as to warrant the extreme penalty of forfeiture. I ask the Government to consider the point as to whether there should not be an alternative, without waiting for a third breach of regulation. Of course, if it were open for the Warden to recommend it in the first instance, it would still remain for the Governor-in-Council to say whether it should be enforced or not. I should not like to see this Clause (38) passed unless there be considerable discussion upon it, and I hope hon. members will arrive at definite conclusions upon this point. The hon. member for Yilgarn suggested, and I think, with some force, that a portion of the fine should go to the informer. This might be provided in a by-law under the Statute. The jumper, or the party giving notice to the Warden that the labor conditions are not being complied with, should have the right reserved to him for seven days to apply for the ground, either as a claim or a leasehold.

MR. MORAN: That is only after the third breach.

MR. LEAKE: You get over that difficulty if you accept my suggestion of giving the Warden the alternative. I also would suggest that a portion of the fine should be paid over to the informer. It will sharpen his wits, and make the other gentleman more careful. Special leases are provided for by Clause 27, and I favor the principle there enunciated. I must say the enactment of the clause is too extensive. It is quite right there should be a limit to the area granted. If there were not a limit, circumstances might arise, or accidents might happen, whereby some favored individual might get half the country side under special lease. He might take up Lake Lefroy, for instance, and that would never do. You might extend the area over 24 acres, but draw a limit somewhere, say at 100 acres. If the principle of that clause is affirmed, I shall ask the Government to consider what limit they will place upon the area to be granted under a special lease. It must be remembered that this power is to be granted by the Minister with the approval of the Governor-in-Council, after a report by the Warden.

MR. MORAN: It is a very dangerous provision.

MR. MARMION: Why not have to get permission of Parliament?

MR. LEAKE: We need not go to that extent if we limit the area. We find that although the Minister, with the approval of the Governor-in-Council, has to discharge certain Acts, that these acts have to be pre-

ceded by the recommendations of the Warden. That is the almost invariable practice, and I think it is not wrong to follow as closely as possible the recommendations of the Warden. It is not always done, though I believe in a majority of cases the Warden is supported. If I were a Minister, I should probably do my utmost to support the recommendations of my subordinate officers. When once a Warden is appointed he should have the credit of being efficient. I notice there is no provision made in the Bill for granting reward areas. These are a third kind of holding, and are free from the labor conditions. There is nothing in the Bill, and there was nothing in the old Act.

MR. MARMION: But there was in the regulations.

MR. LEAKE: It is a question whether it ought to be left to be provided for in the regulations. The point has never been decided, but it is well, I think, to make provision for that class of holding. But what I consider the most important clauses of the Bill are those that provide for appeal from the decisions of the Warden. I do not go to the same extent as the hon. member for Yilgarn, and say it would be advisable to send the Judges to the goldfields, because if you did that, as the hon. member implies, there would have to be an appeal *de novo* on the facts from the decision of the Warden to the Judges. I do not think the circumstances of the goldfields warrant that departure, but it is desirable that legal and technical points should be decided by a competent and properly trained authority. When we have provision made by taking the opinion of a single judge on a case stated, as in Clause 55, or an appeal upon a point of law, as in Clause 76, I think we have ample protection. I would go so far as to say that there is really no necessity for a case to be stated by the Warden under Clause 55. That clause is copied from an old Statute. The right of appeal is straight for the Warden's Court to the Full Court, and there we have finality at once. I would let that be the final court of appeal. We do not want appeals to the Privy Council or anywhere else. Let us stop at the Full Court. Then we know we shall have justice speedily, and, I hope, satisfactorily administered. When we find a majority of the Full Court agreed upon a point of law it should satisfy everybody. In dealing with the question of appeals I think they should be only upon questions of law. I would point out to hon. members that, on the goldfields, you have as satisfactory a tribunal as it is possible to have for arriving at a proper conclusion as to the facts. It is open to any suitor in the Warden's Court to come in and say, I am not satisfied that you should decide the facts of the case alone, and I therefore claim that an assessor shall be appointed. There you have a tribunal of three, the opinion of the majority of whom should prevail. A man in the position of Warden needs to be experienced, practical, and qualified, not only to weigh evidence, but to take a common-sense view of things, and be up to the particular methods of the suitors before the court. If you have a competent tribunal there to ascertain the facts, it should be a sufficient basis for the Full Court upon which to determine the law. You want speedy and satisfactory decisions.

MR. MORAN: And just decisions.

MR. LEAKE: If you have a controlling power over your Wardens you will find they will do good work. There is one matter whilst upon this subject, that I would like to refer to, and I hope in doing so it will not be thought I want to reflect upon the Wardens. Any hon. member who has lived in the colony for any length of time cannot close his eyes to the fact that some of the Wardens have not been qualified by past experience to administer the law. They are not qualified to determine intricate and difficult questions, such as would even puzzle my hon. friend the Attorney-General himself. It is right, therefore, that there should be some controlling power. In my own experience there was a case where a decision was given by a Warden—honestly given, and after a fair trial—but it was upset, and £40,000 at the very least, was diverted into another man's pocket, from that into which it would have gone if the Warden's decision had stood. That question I may tell hon. members had been before a single judge and the Full Court. It is not to be expected that the Wardens on our goldfields can exercise all the functions of the Lord High Chancellor of Great Britain. It is not sufficient that a person who is called upon to decide such important matters should have been trained upon a sheep station. That is all the training that some of them have had. They are, no doubt, honest and straightforward men. I believe they are, for I know them all, and do not wish to say one word that would hurt their feelings. Yet some of them

have admitted to me they do not feel equal to the work of the Lord Chancellor. They admit they do not feel competent to deal with legal and equitable questions, as the judges of the Full Court. I think the Government have adopted a wise course in the matter of these appeals, and I think the House should thank the Government that they have dealt with it in this manner, for we can now go straight from the Warden's Court to the highest tribunal in the colony. Nothing could be more satisfactory than that, and nothing could give more speedy or satisfactory decisions. I support this measure with the greatest possible pleasure, and I assure the Government I shall not criticise it with any feeling of hostility, but shall assist the Attorney-General to arrive at the best conclusions. I can only say my support will be most heartily given.

MR. MARMION: I am sorry I have been unable to afford the time necessary to look into this Bill, in order to have gone into it in detail as I would wish. Having some little knowledge of the subject, by the experience I gained during the years I was at the head of the Mining Department of this colony, I should have been pleased to have gone more deeply into this Bill than I can now hope to do. Probably, when in Committee, I may be able to assist hon. members to arrive at satisfactory conclusions. I shall be glad to join the hon. member who has just sat down, together with other hon. members, in assisting the Government to make the measure as perfect as possible. The actual differences between this Bill and the old one are few. Some, however, are more important than others. The first difference of any importance is in Clause 9, having reference to the application of "The Mineral Lands Act of 1892" to the goldfields. The Wardens are now to be constituted Mining Registrars of any mineral lands that may be discovered in, or upon their goldfields. Under the old Act we had to adopt the principle of making them Registrars through the medium of the "Mineral Lands Act." That power is now imported into this Bill, which, I think, will be a great advantage. There are other details in Clause 9 having reference to the discovery of minerals as well as gold, and intended to enable the holders of the mineral lands containing gold to deal with the gold as well as the other minerals. In Clause 11 I notice an alteration has been made with reference to the keeping of records. It says "there shall be kept at the "office of Mining Registrar under this Act of "each goldfield or district, a complete record "of all leases, claims, transfers, liens, or other "dealings or matters connected with any lands "situate within the goldfield or district, and "all acts, matters, and things required by this "Act to be done, and all notices or other pro-"cess required to be served at or issued out of "the office of the Warden, in connection there-"with, shall be sufficiently done, issued at, or "served, if done, issued, or served at, or out "of the office of such Registrar. There shall "also be kept in the office of the Minister for "Mines a record of all leases, and transfers "thereof, and of any shares or interests there-"in, and of all liens, charges, or other dealings "and transactions relating thereto, respec-"tively." With reference to the latter part of this Clause I may say the intention is very good, and if it could be carried out the results would be excellent, but I am very much afraid it is not practicable. It would be very difficult, indeed, to carry out, owing to the mining centres being at such great distances from Perth, where the Minister for Mines usually resides. Much time would be lost before the various records and transfers could reach him, and the records could really never be up to date because of the vast distances between Perth and the places at which mining is carried on. With regard to the reduction of the price of the miner's right, I consider it is a most liberal act to reduce the amount from 20s. to 10s. I certainly should not have recommended it, nor should I have been in favor of it. I do not think there has been any great outcry for this reduction. The price at the present time is not too high. It means simply from fourpence-halfpenny to fivepence a week for the right of prospecting over this great country. Considering the advantages given to the miner, and the trouble that the Government is taking to preserve and protect his interests, I do not consider 20s. too high a price to pay. On the other hand, I willingly allow that the colony is deriving considerable advantage from the presence of the miners. The revenue is increasing, and the colony is making very rapid strides; but I do say this reduction has not been asked for, to any extent, by the miners themselves. There is one thing to which I wish to call the attention of the Attorney-General. In looking at Clause 12

and then referring to Clause 18, having reference to business licenses, I notice some peculiarity which may possibly be explained. In Clause 12 it says "it shall be lawful for the "Governor to appoint such persons as he may "think fit to issue documents to be called "'Miners' Rights,' which shall be in force for "one year from the date thereof, and shall be "granted to any person (not being an Asiatic "or African alien) applying for the same, upon "payment of a sum of ten shillings. Every "such document shall be dated on the day and "at the place of issue thereof, and contain the "Christian name and surname of the person "in whose favor the same shall be issued, and "shall be signed by the person issuing the "same on behalf of the Minister, and shall "not be transferable. Provided always that "no miner's right, consolidated miner's right, "or business license shall be issued to any "Asiatic or African claiming to be a British "subject, without the authority of the Minis-"ter first had and obtained." I call attention to the fact that the right cannot be granted except by authority of the Minister. That is all very well, so far as it goes, but Clause 18 says: "it shall be lawful for the Governor to appoint "such persons as he may think fit to issue "documents, each of which shall be called a "'business license,' and which shall be granted "to any person applying for the same upon pay-"ment of the prescribed fee.' I presume it is not intended to include anyone in that clause who is excluded by the latter part of Clause 12, which precludes any Asiatic or African from obtaining a miner's right. Then coming to Clause 24 on "suspension of work how obtained," and reading with it Clause 39, which has reference to the suspension of work on leases, it seems to me the reasons are somewhat restricted, under which the holders of a lease may obtain exemption. There are other causes, besides those mentioned in the Bill, which should have effect in securing exemptions. Up to the present time the process for securing a month's exemption has been a simple one, because the Warden has felt himself justified in taking the responsibility of granting it. With reference to a three or six months' exemption, he has invariably referred it to the Minister, but now he cannot grant over the month's exemption. I draw attention to the latter part of Clause 39, which says: "if any exemption longer than a month be needed, the same may be granted by the Minister." It says nothing at all having reference to an application for a longer period than six months. But what is a more important matter, it gives the Minister the option of granting six months' exemption without any cause being assigned. I draw attention also to the fact that in no case is there mentioned any limitation of area for any gold-mining lease.

THE PREMIER (Hon. Sir. J. Forrest): Yes, it is not to exceed 24 acres.

MR. MARMION: Yes, it is my mistake. I looked in Part III. and could not find it, and so thought it had been omitted. I now see it is in Clause 29. The reason I was going to mention it was that under the old law the maximum was 25 acres. With regard to Clause 27, I notice a most important principle introduced which was not in the old Act. I know from experience that very great efforts will be made —they have been made in the past I know, because I have had to deal with them—to obtain special leases under Clause 27. I know that great pressure will be brought to bear upon the head of the Department, in order to obtain these special areas. I know perfectly well the Minister will thank Parliament, if Parliament does not allow him to have the power to recommend the Governor-in-Council to grant these special areas. I think reference should be made to Parliament in any case where application is made for a special gold-mining lease, where probably hundreds of thousands, if not millions of pounds, may be hanging upon the application. I think such a question should not be left either to the Minister or the Ministry, for where the Minister recommended the Ministry would be almost sure to approve. In such a case it would be a hardship to expect the Minister to decide. I could give an instance, because an application was made to me three or four times over for Lake Austin. It is believed by many people that there is a large alluvial deposit there, and application was made to me over and over again, but I constantly refused, and I was backed up by the Ministry at the time. I should have preferred in a case of that kind not to have had the power to recommend; and I do think such cases should be brought before Parliament for decision. When Clause 27 comes up for consideration I shall have something to say about it, and I hope hon. members will see it is not wise to give the Minister that power, for which he will not thank them, and which he would rather be left without. With regard to Clause 30, and the

right to extend the time to twelve calendar months, in order to allow the alluvial miner to enter upon any lease for the purpose of procuring alluvial gold, I do not think there can be much objection to it. I do not agree with the hon. member for Yilgarn, who suggested the distance should be lessened, because I consider 50ft. on each side of the reef to be near enough for the alluvial worker to come to those who are working on the reef. If you allow him to approach nearer than that there will be trouble between them, and possibly bloodshed would follow. I consider 50ft. is a reasonable distance, and it should not be reduced. I think the clause having reference to amalgamation is a very fair one. It is possible it might be found desirable to increase the area beyond 24 acres. There were many applications made for amalgamation during the first three or four years that mining was carried on upon the Murchison and the Yilgard Goldfields—more especially on the Murchison field, but they invariably met with refusal, because in nearly all the cases they desired to pick out a large area with an enormous stretch along the line of reef. This was never contemplated by the regulations. I see in this Bill it is only proposed to allow amalgamation of claims up to the amount of one lease, namely 24 acres. I think it might possibly be increased either to 36 or 48 acres, but there should be a proviso that it be of proportionate length and breadth. For instance if you allowed an area of 36 acres, it should be equal to the length of three 12 acre holdings.

MR. SIMPSON: Why not allow them to go along the underlay.

MR. MARMION: The hon. member is perfectly aware that at the present time they never consider the underlay. They generally try to get as much upon the line of reef as possible. I know a little upon this subject, and I say that in the applications for leases the men are intent upon taking up ground as much upon the line of reef as possible. As a general rule, when pegging out, they note on which side the underlay lies, and take as much land as they can on that side. I now come to Clause 38, having reference to penalties for not working the land that is leased, and it seems to me that certain points have been overlooked. For instance there is no provision made for a case in which a man may wish to forfeit his lease, where he does not intend to carry on, where he has spent all the money he thinks proper to spend, and where he wishes to abandon it altogether. There is no provision made for a case of that kind.

MR. LEAKE: That may be provided for in the regulations.

MR. MARMION: I think it should be explicitly laid down in the Bill that any man has the right to elect to forfeit. That is, when brought before the Warden, he may elect to forfeit, or he may give notice to the Warden or the Registrar, that he has abandoned his lease, and the lease having been so abandoned becomes a forfeited lease, and is notified in the *Gazette*. Hon. members will see that such a course would save considerable time, and enable it to be speedily known that a certain lease was abandoned, and was open for further application. There is another thing that I think ought to be made clear in reference to Clause 38. There should be an interval between the offences. Some time must elapse after a case is reported before it can be dealt with; and, after it is dealt with, there will be a lapse of time again before the man can go on with his work. I think it should be laid down in the law, and not be left for the regulations, so that there shall be no misunderstanding, that a seven days or ten days interval is allowed, so that a man shall not be hampered by people pouncing down upon him the very next day, and bringing him again before the Warden unnecessarily. I quite agree with the hon. member for Yilgarn that it is necessary to give some incentive to people to inform, but it is not a pleasant duty. You have taken away the incentive that existed under the old law, namely, giving the forfeited lease to the man who reported, if he claimed it. I suppose one half the penalty should be given to the informer. There is one other thing strikes me. In the latter part of Clause 38 you deal with forfeiture after a third offence, but it seems to me there is no necessity after a third offence for sending the evidence down to the Minister for a decision. Why not give to the Warden the authority to deal with the case after a third offence. It is only lost time and labor sending the matter down to the Minister for his recommendation, and the decision of the Governor-in-Council. Of course I know the lease has to be issued in the first instance by the Goverhor, and can only be void by the will of the Governor. In that case the Governor could give his consent, and endorse the action of the Warden so making void the lease.

I do not think there is any other very important feature in this Bill, except the right of appeal; and, as to appeal, I am very pleased that the Government have undertaken to introduce this provision in the Bill. I feel sure that the Wardens will be pleased, that the Minister who has somewhatthe controlling influence in administering the Bill will be pleased that this power of appeal is given, and that a large number of the people on the goldfields will be satisfied also; especially as the appeal is to be only on points of law, and not of fact. I agree with the hon. member for Albany that, in dealing with questions of fact, there is sufficient power and sufficient good sense on the fields to deal adequately with such questions, where a man has the right to call in his fellow men to sit with the Warden and assess damages, or deal with his claim on his rights on the merits, and there is no necessity, in cases of that sort, to appeal to the Supreme Court. By the alteration of the law made in Clause 38 for enabling the Warden to impose a fine in first and second instances rather than forfeit the lease for breach of conditions, you will do away with nine-tenths of the cases that would be likely to come before the Supreme Court on appeal, because the great difficulty hitherto has been to deal with forfeiture cases. That has been one of the main difficulties, in goldfields' administration, which had to be dealt with by the Warden in the first instance, then by the Government, and lastly by the Executive Council; therefore every one will be pleased to find that power has been given for appealing to the Supreme Court from the Warden's decision on questions of law. I have dealt with the principal features in the Bill and with the alteration which it will make in the present system. When the measure gets into Committee I have no doubt there will be much discussion on the clauses; but there is no reason why the Bill should take any great length of time to settle questions of detail, the Bill being short and simple. The intelligence of hon. members will enable them to deal with it; and, when the work is completed, we shall have framed a measure that will be a credit to the Government, and I feel sure will do justice to those who are developing our goldfields, while also doing justice to the Government which initiated the measure, to the Parliament which will make it a perfect measure, and to those people who are investing money in that industry which is making this colony prosperous in the present, and is sure to make it prosperous in the future.

MR. SIMPSON: I am sure the country will welcome this Bill as one which is much required. It has been a long time in coming. Session after session, during the last four or five years, a Goldfields Bill has been talked about, and the fact has been urged on the attention of the Ministry that the conditions of our gold-mining industry required a comprehensive measure of administration; and at last we have got it. For my part, I say that so far as I have studied the Bill, and from my experience in connection with the gold-mining industry of this country, this is likely to be a very valuable measure. It certainly is in touch with the desires, so far as I know, of most of the claim holders and of the leaseholders; and it offers no grave impediment to the introduction and the wide investment of capital; while it opens every avenue for the use and opportunity of the poor but experienced miner. As the Premier has remarked, there are no great novelties in the Bill. I had the honor to sit on a Select Committee which made certain recommendations to the Government and the House, some time ago; and although the Government did not adopt all the suggestions made by that Committee for amending the Goldfields Regulations, I am pleased to see that those recommendations are largely embodied in this Bill. Of course a great deal in the administration of the goldfields depends on the Regulations, and in this Bill I observe some marked alterations. I am glad to welcome a reduction in the price of a miner's right; but I am sorry that the Bill, at the same time, does not redress the greater grievance of the extreme charges for fees. I really believe the extreme charges for fees are a much graver tax than the miner's right. I have known many cases in which these high fees have almost exhausted the means of poor men for working their claims. I do hope that the goldfields' members distinctively, and other members of this House interested in gold-mining, will ask the Government to meet them by making some reduction in the charges for fees. The great thing we have to look at is that these high charges retard the development of the industry. It has to be borne in mind that the gold-mining industry is a huge contributor now to the stamp duties. I know of one property on the Murchison

which had to pass a cheque for £400 for stamp duty required on a transfer of property. These and other such charges weigh heavily on our mining industry. If we look at the fees provided in the schedules of this Bill, I think the Government will be disposed to meet us by reducing them very considerably. I dare say it has occurred to the Attorney-General that two grave questions in connection with the mining industry are, firstly, to determine what is alluvial, and, secondly, the leasing question. Commissions have sat and inquired, all over Australia, to determine how long a goldfield should be open for alluvial men to work it, before leasing auriferous ground for reefing. In Queensland, at the time when our old Goldfields Act was adopted, it was decided that no lease should be issued for two years after a field was declared a goldfield, and I believe many of our leases, issued in the early stage, were illegal. In fact, I had some of them in my possession, and I thought so lightly of the matter that I did not bother about the legality of them. [THE PREMIER: We repealed that.] Yes; but I refer to a time before the repeal of that provision. It has been a grave question all over Australia as to how long a field should be left open to the prospector and the alluvial man, before the capitalist should be allowed to come in and apply for a lease of the ground. In South Australia a Commission which sat recently could not determine how long a period should be allowed. But in this Bill I think the Government have adopted a wise plan. Wherever I have seen alluvial men at work, I have said to them, "For goodness sake, get the alluvial as quickly as you can, and clear out." That is the wisest way of dealing with alluvial, because our alluvial gold is entirely different from that found in other parts of Australia, for we have no deep leads of alluvial here, as the alluvial is found only in patches, so that the newest chum who has been twenty hours on a goldfield is just as likely to find it as is the old alluvial man who has tried many fields in his time. With regard the definition of alluvial, in the Bill, I hope it will work advantageously. There is a wide discretionary power left in the hands of the Warden, in connection with these matters; and I have always thought that if a man is fit to be appointed Warden of a goldfield, the Ministry which appoints him will be compelled by the extreme distance of the Warden from the seat of Government, to leave matters of this sort very much to his wisdom and discretion, and I think it must be so in the careful working of our goldfields. Of course those fields are practically coming nearer to Perth every day, by the construction of railways and telegraphs. So far as I can see in the Bill, the distinction between alluvial and reef gold is carefully devised, and is evidently the result of mature experience. The provision for the amalgamation of leases under certain conditions is useful, and will be a considerable benefit in many cases. I know of hundreds, even thousands, of claims absolutely pitched away, because one proprietor holding an adjoining lease has been compelled to keep a certain number of men employed on it in doing utterly useless work, so as to comply with the labor conditions; whereas, under this Bill, a claimholder having an adjoining lease will be able to employ all the men on the one ground, and thus work to advantage. I am glad to notice also that, at last, the Government have seen fit to grant the great right of appeal. I was much struck, some time ago, on reading a report in a Perth newspaper—I cannot quote the passage exactly now, and members are prohibited by the rules of the House from reading extracts out of a newspaper in certain cases—I was much struck by what the Premier was reported to have said in an interview, in relation to some interesting newspaper correspondence which was agitating certain persons at that time, to the effect that it was wiser that the determination of questions of this sort should be left in the hands of political administrators, than that they should be decided on appeal to the Supreme Court. I think that statement, if made, was a very grave indiscretion on the part of the Premier. [THE PREMIER: Where was that reported?] It was reported in that distributor of light and intelligence, the *Daily News*. I thought, at the time, that possibly the Premier was misreported. He says now he was not. Well, it gives me an opportunity of showing the credence I place in the reports of that newspaper as to anything taking place. However, I do think that this opportunity of appeal to a properly constituted judicial tribunal will be very satisfactory to our mining industry. As to the suggestion of the hon. member for Fremantle, with regard to the granting or refusal of leases, that an opportunity should be given for appeal to this House, I think that would lead to a great deal of what in America is

called "lobbying," and I would rather much leave that matter in the hands of the responsible Ministers of the country, who, from a sense of the great prestige of their positions, and the recognition of their powers, are compelled to bear in mind that the country expects from them the highest integrity, and the most careful regard to the public interests. It would be indiscreet to have that "lobbying" going on in this Chamber, for endeavoring to secure special concessions to particular people in the form of special leases. I congratulate the Government on the Bill, and I hope that, with the assistance of the House, it will become a useful measure to this country. Of course a great deal of its usefulness will depend on the Regulations to be made under the Bill; but, as was pointed out by the Premier and the Attorney-General, in the earlier stage of this debate, it is impossible for us to deal with the Regulations when considering the Bill, because the Regulations cannot be made until the Bill has been passed. Still, a great deal depends on the Regulations; a great deal depends on the Wardens who have to carry out the law on the fields; and, as to the Wardens, I think the less there is of Ministerial interference in administration on the fields, the better it will be for the gold-mining industry. The opportunity has come for putting on our Statute Book the best Act for the management of the goldfields of this colony, as compared with the goldfields legislation in any other part of Australia.

MR. CLARKSON: The action of the Government in introducing this Bill meets with the general approval of hon. members. The only thing I feel astonished at is that some members find so much to talk about, at this stage. There may be a little difference of opinion as to some of the clauses, as I have no doubt we shall find, but all that can be rectified in Committee; and why such a Bill as this, which meets the general approval of the House, and I have no doubt also the approval of the people of the colony, should occupy a whole evening in discussing its principles is beyond my comprehension.

MR. R. F. SHOLL: The hon. member who has just sat down takes exception generally to the waste of the time of this House, by the discussion of important Bills, like this, on the second reading. But I think that, in speaking to the general principle of a Bill, the proper time for discussion is on the motion for the second reading; and, when an important Bill is brought forward, it is not a waste of time to discuss the principle fully, so long as that is done in a proper spirit. This Bill is important, and it has been discussed by hon. members very clearly and intelligently. I do not agree with some of the criticisms upon it. There are three clauses I particularly take exception to. Firstly, as to Clause 38, dealing with the fine for non-compliance with labor conditions, I think that when the Government do away with the watch-dog of the goldfields, generally known as the jumper, they are really doing away with the necessity for complying with the labor conditions, to a great extent. In the forfeiture clause, under the existing law, if the labor conditions were not complied with, any one might apply for the forfeiture of the particular lease; consequently, the owners of leases have had to take good care that they ran no risk of forfeiture. This Bill provides fines for non-compliance, and it has been suggested that one-half the amount of the fine in each case should go to the informer. But, on the goldfields, where there are all classes of men, I doubt whether you will get any to inform for the sake of obtaining half the fine. Under the old conditions, the men called "jumpers" were really acting within their legal rights in making application for a lease that was not being worked with the required number of men, because in such case the lease was open to fresh application, and that is very different from "jumping" in the sense of seizing what a man has no right to. The Bill proposes to impose a fine for non-compliance, the amount to be not more than £100 in the first instance of breach, and not more than £200 in the second; but I doubt very much whether you will get men to inform under these conditions. I agree with the Premier that, in doing away with the absolute forfeiture for non-compliance with labor conditions, it is a mistake in the interest of the country. I know of many cases, some of which I was connected with, in which it would have paid the leaseholders to stand the chance of being discovered and informed against for breach of the labor conditions, under the fines provided in this Bill, as it would be cheaper to pay even the full amount of fine rather than employ the required number of men. Therefore I feel that, in the interest of the country, this is a mistake. With regard to the amal-

gamation of leases, I think the intention is a good one, but the amalgamation should not be allowed along the line of reef. The smaller the leased area, the greater the quantity the applicant will get along the line of reef, in proportion. Anyone taking a 6-acre lease will get more in proportion than the man who takes up a 24-acre lease. [THE PREMIER: No; it must curtail the length.] I quite agree it is necessary to allow amalgamation, where the money spent on labor is likely to be wasted by complying with the labor conditions. If, for instance, one person owns two leases, and by complying with the labor conditions would be wasting the money and doing no good for himself or the country, the Warden should, if satisfied that amalgamation of the two leases would be in the interest of the country, allow amalgamation to take place. But the area will have to be increased, if any good is likely to arise out of this clause, because if a man has a 15-acre lease, and has another 15-acre lease off the line of reef, he would be quite unable to amalgamate, because the two areas would exceed the limit of 24 acres allowed by the clause. Clause 12 I also object to, with the hon. member for Yilgarn, and that is as to the proviso, which says:—"No miner's right, consolidated miner's right, or business license shall be issued to any Asiatic or African claiming to be a British subject, without the authority of the Minister first had and obtained." I presume this relates to Asiatics or Africans who are British subjects, and I consider this is an interference with the rights of British subjects. It is the inherent right of all British subjects to be placed on equality, in whatever part of Her Majesty's dominions they may be. The hon. member for Yilgarn says he draws the line at color; but when we consider that India, which is one of the most important parts of Her Majesty's dominions, is occupied by a race of a different color from ours, it is hardly for this small colony to say we will not admit British subjects from India on the same terms as ourselves. I think this proviso will jeopardise the passing of this Bill, because Her Majesty's representative in this colony, when he finds there is an interference with the liberty and rights of British subjects, will not be doing his duty to his Sovereign unless he reserves the Bill by sending it home for Her Majesty's assent. When this Bill gets into Committee I shall move to strike out the proviso; and, if not successful, I shall afterwards make it my business to draw the attention of Her Majesty's representative in the colony to this matter.

THE ATTORNEY-GENERAL (Hon. S. Burt): I wish to say only a word or two in concluding this debate. Hon. members will bear in mind that this Bill is, at most, the framework of principles, and that the details for the management of the goldfields must depend on the Regulations to be made after the Bill has passed, more perhaps than on the enactment itself. I think that the more elastic we make the principles of the bill, the more length and breadth we give them, so the administration generally on the fields will be benefited, because if we were to tie down the principles too tightly at the present time, as time goes on there may be fresh circumstances arising, and we may find that the rules we made to suit the conditions of the year 1895 may require relaxing or may require tightening up in 1896, therefore the Government should be in a position to make any adaptation of this sort by altering the Regulations, or making new ones to suit the fresh conditions, without altering the principles of the Act. This Bill is one of importance, and a good deal depends on the wording of the different clauses. I trust that those hon. members who intend to move amendments in committee will be good enough to place them on the notice paper as soon as practicable, so that they may be considered by the Government with a view to their possible effect on other parts of the Bill. Unless notice is given, it will be obvious that no one can gauge the effect of a clause when sprung suddenly on the committee, through some idea occurring to an hon. member, which may prove, on reflection, to be an erroneous one. I know it is impossible to give notice of amendments in every case, and I do not mean to say that valuable ideas do not occur at times to members, as we go along in Committee; but, as to those contentious clauses which have been referred to, relating to alluvial, the amalgamation of leases, and what is called the forfeiture or jumping clause, I think notice might be given of any amendments which are intended to be moved by hon. members.

Question put and passed.

Bill read a second time.

ESTIMATES, 1895-96.

IN COMMITTEE.

The House having resolved itself into Com-

mittee of Supply, to consider the Estimates of revenue and expenditure for the financial year 1895-96,

THE PREMIER (Hon. Sir J. Forrest) said that, as hon. members appeared to desire an adjournment at that hour, he moved that progress be reported and leave asked to sit again.

Motion put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

THE PREMIER (Hon. Sir J. Forrest) moved that the House at its rising do adjourn until Thursday, 15th August.

Question put and passed.

The House adjourned at 10.4 o'clock p.m.

Legislative Assembly,

Thursday, 15th August, 1895.

Report upon storage of explosives—Railway and Theatre Refreshment Rooms Licensing Bill; in committee—Duties on Estates of Deceased Persons Bill; in committee—Goldfields Bill; in committee—Adjournment.

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

PRAYERS.

REPORT UPON STORAGE OF EXPLOSIVES.

MR. LEAKE, in accordance with notice, asked the Premier whether any report had been received from the expert recently appointed to inquire into the importation, use, and storage of explosives, and if it was proposed to present the report to Parliament.

THE PREMIER (Hon. Sir J. Forrest) replied that the report was in the hands of the Government Printer, and would shortly be placed on the table of the House.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

IN COMMITTEE.

Consideration of Bill in Committee resumed.

Schedules:

Agreed to.

Preamble and title:

Agreed to.

Bill reported, with amendments.

DUTIES ON ESTATES OF DECEASED PERSONS BILL.

IN COMMITTEE.

Clauses 1, 2, and 3:

Agreed to.

Clause 4—"Statements to be filed":

MR. RANDELL moved, as an amendment, that the word "two," in the first line of Subclause 1, and consequentially in the remainder of the clause, be struck out, and the word "three" be inserted in lieu thereof, in each instance. He said the two months allowed in the clause for the winding up of estates would be too short, according to his experience; and although the Master had power to extend the time, it would be better to allow three months in the first instance, as proposed in his amendment.

THE ATTORNEY-GENERAL (Hon. S. Burt) accepted the amendment.

Amendment put and passed.

MR. R. F. SHOLL moved, as a further amendment, that the words "one thousand" be inserted after the word "exceed," in the fourth line of the last paragraph, so as to read, "does not exceed one thousand five hundred pounds," etc. He said the minimum exemption of £500 would be too small a sum to be felt as a relief, in the case of an estate of £1,000 or £1,500 left to a widow with a family to educate and maintain. It was not desirable to levy duty for revenue purposes in such cases, whether the amount of the estate was large or small, and especially when it would be barely sufficient for bringing up a family. The object of the Bill was not to tax estates left in such circumstances, but was to get at large estates wherein the amount of the tax would not be felt. By increasing the minimum exemption to £1,500, no hardship would be created, while the object of the Bill as a revenue measure would be attained.

THE PREMIER (Hon. Sir J. Forrest) said the duty was a half per cent only.

MR. R. F. SHOLL said the clause would