THE HON. E. H. WITTENOOM: I think that it does, as I read it. However, I think there should be a definite time fixed, especially as every man has his friends and his solicitor to look after him and see that the notice is given. I will support the amendment.

THE HON. C. A. PIESSE: A man may be employed a hundred miles away, and if an accident happens to him the employer may prevent such man coming in to give notice if the time is limited.

THE HON. F. M. STONE: I agree with the Hon. the Colonial Secretary, for if the time were limited it would practically mean that workmen would be prevented in many instances from bringing actions. The employers might clear out.

THE HON. E. H. WITTENOOM: How many employers could do that?

THE HON. F. M. STONE: I think it is reasonable to leave the matter to a Judge. A man might be in the hospital for eight or ten weeks and be unable to give the notice, and then when he came out he would find his right of action gone under the amendment.

THE HON. S. J. HAYNES: The employer who cleared out would be hardly worth powder and shot in a law case. I would be the last to propose anything unreasonable against the working man, for I am in sympathy with him; but I also think the employer is entitled to some protection.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It is unusual to require any notice to be given. As a rule, a man can bring an action without any notice, and it is only in cases against magistrates and the sheriff that such notice is required. The fact of his having to give notice is imposing a condition on the workman, but if the time is absolutely fixed at eight weeks, it will in some cases be an absolute bar to the action. A Judge cannot extend the time for bringing the action. All he can do is to extend the time for the giving of the notice, if there is a reasonable excuse and the employer is not prejudiced thereby.

The committee divided.

Ayes	11
Noes	6
Majority for ...	5

AYES.	NOES.
The Hon. F. T. Crowder	The Hon. R. G. Burges
The Hon. E. W. Davies	The Hon. C. E. Dempster
The Hon. J. C. G. Foulkes	The Hon. R. W. Hardey
The Hon. J. W. Hackett	The Hon. E. Robinson
The Hon. Ernest Henty	The Hon. E. H. Wittenoom
The Hon. H. McKerman	The Hon. S. J. Haynes (*Teller*).
The Hon C. A. Piesse	
The Hon. J. E. Richardson	
The Hon. H. J. Saunders	
The Hon. F. M. Stone	
The Hon. S. H. Parker (*Teller*).	

Amendment negatived.

Clause passed.

The remaining clauses were agreed to, and the Bill reported.

ADJOURNMENT.

The House, at 6·30 o'clock p.m., adjourned until Wednesday, 12th September, at 4·30 o'clock p.m.

Legislative Assembly,

Thursday, 6th September, 1894.

Petition of Mr. W. Wilkinson, York—Pioneer Surface Railways: appointment of Select Committee—Introduction of a new or amending Mining Act: adjourned debate—Municipal Institutions Bill: further considered in committee—Constitution Act Further Amendment Bill: second reading; in committee; third reading—Adjournment.

THE SPEAKER took the chair at 4·30 p.m.

PRAYERS.

PETITION OF MR. W. WILKINSON.

MR. MONGER presented a petition from Mr. W. Wilkinson, of York, relating to a road crossing his location in the Green Hills district.

The petition was received, read, and ordered to be printed.

PIONEER SURFACE RAILWAYS.

MR. HARPER, in accordance with notice, moved, "That in the opinion of this House it is desirable that full particulars should be obtained relating to

the cost and utility of pioneer surface railways, with the object of ascertaining whether or not that class could be adopted with advantage in the interior of this colony; and that a select committee be appointed to inquire into the subject." It had been frequently mentioned in the House, and frequently also out of it, this subject of cheap pioneering railways; and, as many members seemed to think that possibly they might be adopted with benefit in some parts of this colony, he thought it was desirable that full information should be gathered on the subject for the guidance of the House. With these few words, he begged to move the motion standing in his name.

MR. ILLINGWORTH said he desired to support the motion. He had made it his business, when travelling in Europe, to inquire somewhat into this question. Members were aware that there were several of these light 2ft. gauge lines on the Continent, and particularly in Germany, and that they had given every satisfaction—in some cases carrying very heavy traffic. He was informed that the cost of these light railways, fully equipped, was about £700 per mile; the price of the rails at the works being about £300 a mile. He thought these light lines would be well adapted for some parts of this colony as pioneer lines, especially in mineral districts.

MR. MORAN thought he was the first to mention this matter in the House, and he might say that he had some information on the subject from the other colonies, which he would be glad to supply this committee with, if desired. There were many miles of this class of railways on the sugar plantations in Queensland. He hoped the motion would be agreed to. The subject was one that ought not to be scouted.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said no one wished to scout it, so far as he was aware. One would think from the remarks of some members that there was a desire on the part of the Government to build railways at as high a cost as possible. He thought our railways in this colony had of late years been built very cheaply; and, for his own part, his idea was that though these light 2ft. gauge lines might be useful in some parts of the colony, it would not do to build them in connection with our main trunk lines, with a gauge of 3ft. 6in. Having adopted that gauge, we should continue it. A break of this standard gauge would be very inconvenient, and he did not think it would make much difference in the cost, after all. It was all very well for the hon. member for Nannine to talk about the price in Germany; the hon. member was not in Germany now, but in Western Australia, and the cost here would be very different.

MR. ILLINGWORTH: They could be delivered here, say at Geraldton, at £500 per mile.

MR. A. FORREST: Will you undertake to deliver them at that price?

MR. ILLINGWORTH: Yes.

MR. A. FORREST: Then I shall propose that the Government accept your contract at once.

MR. RICHARDSON said, although they were not in Germany, there were portions of this colony quite as outlandish as those portions of Germany where these light lines were in use; and, though it might not be a wise thing to tack a 2ft. gauge line on to a 3ft. 6in. gauge, still there were parts of the country which were not likely to have a 3ft. 6in. railway for the next fifty years, and it was a question whether in those places they might not adopt this narrow gauge, as pioneer surface lines, for opening up outlying mineral and pastoral districts. Wooden sleepers, in some parts of the colony, would be very expensive on account of the ravages of white ants, and the great distance the timber would have to be conveyed. Gravel for ballasting was also scarce in some parts. In fact, we had such variety of local conditions in this vast territory of ours, that what would suit one part might be utterly unsuitable for other parts, and *vice versâ*.

MR. SOLOMON did not understand that the Government objected to the motion in any way. This committee might be able to furnish the House with a good deal of useful and practical information, upon which to form an opinion as to the adaptability of these light lines for some parts of Western Australia.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said that, so far as the Government were concerned, they had no objection whatever to this committee being appointed to gather

what information it could. But he might say that the subject had not been lost sight of by the Government, who were in possession of all the information that could be obtained from the published literature on the subject, even to the figures referred to by the hon. member for Nannine. Personally, he was of opinion that there were portions of our territory that might, perhaps, be developed by means of these light lines; but, it must be remembered, that the upkeep of these lines was proportionately higher than the upkeep of our present lines, which was an important factor in considering this question.

Motion put and passed.

A ballot having been taken, the following members were appointed to serve on the committee: Mr. Illingworth, Mr. Venn, Mr. Richardson, Mr. Randell, and the mover; with power to call for persons and papers.

A NEW OR AMENDED MINING ACT.

ADJOURNED DEBATE.

Debate resumed upon the motion of MR. ILLINGWORTH—

"1. That, in the opinion of this House, a new or amending Mining Act is urgently called for.

"2. That such new or amending Act ought to provide for the establishment of local mining boards for each of the proclaimed goldfields, giving power to make by-laws for their several districts."

MR. A. FORREST: When I moved the adjournment of the debate the other day, I was under the impression that some important information was coming down from some of the goldfields on this subject, which would have assisted us in discussing the subject more fully than we are in a position to do at present. I believe it will meet the wishes of most members if I now move that the whole question be referred to a select committee, so that we may have some information that will enable us to deal with the question in a practical way. I therefore move, as an amendment, "That a select committee be appointed to consider the legislation and regulations at present in force on the goldfields, and to report any amendments likely to serve the mining interests and to promote the development of the goldfields." I should like, if in order, to mention the names of the members whom I should like to see sitting on this committee.

MR. SPEAKER: If the hon. member does that, he will be doing away with the ballot. The Standing Orders provide that select committees must be elected by ballot; and, if an hon. member suggests to the House the names of those whom he wishes to serve on a committee, we may as well do away with the ballot.

MR. A. FORREST: I will only suggest that they should be goldfields members, — the Attorney General, the hon. member for Yilgarn, the hon. member for Nannine, the hon. member for Pilbarra, and the mover.

MR. ILLINGWORTH: I was under the impression that the Government were now taking steps to prepare a new Mining Act, and it was with the view of suggesting the introduction of local Mining Boards into the Act that I brought forward this resolution.

THE PREMIER (Hon. Sir J. Forrest): We have not commenced with the Act yet.

MR. ILLINGWORTH: In that case I will accept this proposal of the hon. member for West Kimberley, to refer the matter to a select committee.

THE PREMIER (Hon. Sir J. Forrest): I think we would be acting wisely in accepting the amendment. It is all very well to say that the Government should bring in an Act to amend our mining laws, and to make them more applicable to the requirements of our goldfields. But it is a very difficult matter to say what *will* meet the requirements of all our goldfields. I have been all over our principal goldfields recently, and heard the opinions of a great many people, who vary very much in their opinions as to what should be done; and my advice to them was to hold meetings amongst themselves, and pass some practical resolutions, so that the Government might know what the difficulties are which they want remedied. My own opinion is that this select committee will not be able to alter the present Act to any large extent, though I know there are several points in the regulations that require consideration. But those regulations have already been before one select committee, and no great alterations were made.

MR. SIMPSON: Because the Government did not adopt them.

THE PREMIER (Hon. Sir J. Forrest): I think we adopted all that were any good. I am aware there are many complaints made, but we can say this on our side: both the Act and the Regulations are practically the same as the law in force in Queensland, our conditions being very similar to the conditions of that colony. Therefore these regulations cannot be so very unsuitable. However, I hope this committee will go to work in earnest, and that they will be able to point out in what respects the regulations are not suitable to our requirements. I do not think the Act itself will require much alteration. There may be a few points; but they are very few, I am sure. The regulations, however, may require some amendment, in some particulars; and I hope that, with the advantage of having the representatives of the goldfields on this committee—and I hope everyone will vote for these members—we may have some light thrown on this subject, and that the result will be that these regulations will be made more suitable to our present requirements than they are said to be.

MR. CONNOR: It strikes me that there is a certain amount of intentional and studied negligence in the selection of members to serve on these select committees. I do not want to make a personal matter of it, but such seems to me to be the case. The other day we had a select committee appointed to consider the question of a stock route, and another committee to inquire into the question of scab, and now we have another committee to inquire into the mining regulations; and I wish to point out that there are other districts in the colony that are interested in these matters besides those represented by the members on these committees. As I have said, I do not wish to make a personal question of this matter, but the district which I have the honour to represent seems to me to be treated with a certain amount of studied negligence. [THE PREMIER: No, no.] Facts speak for themselves. The hon. member who brought forward this amendment quietly points out those whom he would like to sit on this committee—those who will best suit the Government——

AN HON. MEMBER: Increase it to seven members.

MR. CONNOR: If that is done, I shall have no objection to the motion to refer this question to a select committee.

MR. MORAN: I suggested this course myself a week ago, but it was not adopted then, and there has been a week lost. Notwithstanding what the Premier says, I maintain there are gigantic alterations required in our mining laws. I have received, to-day, some papers dealing with the question. These papers contain some practical suggestions from the leaseholders on the Coolgardie goldfields. Of course they present their own side of the question—the leaseholders' side. So far as I am concerned, I shall endeavour to see that the interests of the alluvial digger are also protected. I believe this committee has a lot of work before it, and that it will occupy pretty well the whole session before it concludes its labours.

MR. LEAKE: I shall support the reference of this question to a select committee. I do so because I thoroughly agree that a new or an amending Mining Act is urgently called for. There are some very important principles involved, and I should like to hear those who have some practical acquaintance with the subject express their views as to the alterations they may consider desirable, which would be of use to this select committee. No doubt there are defects in the present Goldfields Act. I have had something to do with it myself, and have taken some trouble to inquire into one or two of its provisions. Particular attention, I think, should be devoted to the question of regulating appeals on points of law, from a Warden's decision to the Supreme Court. It is not right that Wardens should have the full powers entrusted to the Lord High Chancellor of Great Britain.

MR. MORAN: "Pooh-Bahs."

MR. LEAKE: Yes, they are perfect "Pooh-Bahs" in all matters relating to mining law. It is not so much what the Act gives the Wardens power to do, but what the Wardens do themselves. It is perfectly astounding the extent to which Wardens will occasionally extend their jurisdiction. Instances of this are numerous; and I hope the committee, when they come to consider the question, will have special regard for this point, and will limit as far as possible this terrible power that is now exercised by the

Wardens. When the present Act was passed, it was passed for the Kimberley goldfield, a part of the colony that was practically isolated from headquarters; and it was quite right, under the circumstances, that the Warden should exercise summary jurisdiction. But goldfields have since then been discovered nearer home, and there is not the same reason as prevailed in the case of the Kimberley goldfield for granting these arbitrary powers to the Wardens. There is another very important point, and that is with regard to the forfeiture of leases, or claims held under a miner's right, or in any other way. The present system of forfeiture encourages that undesirable class of persons whom we have heard frequently mentioned,—jumpers. If you go to Coolgardie, or to any other of our goldfields, you will hear a loud outcry against these gentry, who will never do a day's work themselves, but who are ever on the watch to catch other miners or prospectors tripping; and, the moment they do so, in they go with their application for forfeiture.

MR. MORAN: They are generally lawyers.

MR. LEAKE: He says they are generally lawyers. Possibly they are sometimes members of Parliament; I don't know. At any rate, it would be well for this committee to inquire into the matter, and ascertain who they are, and what they do, and see what ought to be done in the matter. As the hon. member himself is on the committee, he will, no doubt, be able to give some very important information on the subject. I say that the question of the forfeiture of leases upon these goldfields is one that should be carefully guarded against. Before a lease should be forfeited, the man who holds the lease should have notice. At present, too, it is quite possible for friendly actions to be brought, prompted by the person who holds the lease himself, who puts up a friend to jump his claim, so as to avoid the labour conditions; and this kind of thing can go on *ad infinitum*. The cure for this evil is to require the person applying for a forfeiture to give security for costs, in order to show that he is acting *bonâ fide*, and to support his application by an affidavit. You could then catch him for perjury, or you would touch him on a very tender point—his pocket. Another important question is the right of alluvial diggers to go on leasehold land,—upon land applied for, not so much as where a lease has been granted. In many cases it has happened that large deposits of alluvial gold have been found upon leaseholds; but, as the law stands at present—and I am sure the Attorney General will bear me out in this—when land is applied for as a lease, or when a lease is granted, the alluvial digger has no right to be there at all. I know that in practice it is allowed; but it should be the subject of a regulation. Alluvial diggers should be allowed to seek for alluvial gold upon a leasehold, and should be allowed to come within a certain distance of a reef. It would be a great shame if a leaseholder should have the right to take up 25 acres of alluvial ground; but it has happened under the existing regulations. Distinction should be drawn between the alluvial digger and the reefer. If a man takes up a reefing claim, he takes it up presumably for reefing, but, by a sidewind, perhaps, he also secures all the alluvial; and unless this is remedied, there will be tremendous trouble on these goldfields yet. Another matter worthy of consideration is this: whereas the regulations deal with the question of water-rights where water is available, they are almost silent with regard to what should be done where there is a want of water, or where water does not exist. Provision should be made to meet such conditions, which necessarily are a tremendous drawback on any goldfield. I trust the committee will direct their attention also to that subject. There are many other points of minor importance which I might refer to, but to which the occasion does not require a reference at present. I think I have touched upon those which to my mind are of the greatest importance, and I trust other members, who can throw some light on the subject will do so, and so assist the labours of the committee to which it is proposed to refer these questions.

MR. R. F. SHOLL: I hope, at any rate, the committee will not carry out the hon. member's suggestion with regard to allowing appeals from the Warden's decisions to the Supreme Court. What is required on goldfields is justice, and not quibbles of law. We know it is the

object of lawyers on these goldfields to discover some legal quibble that will enable them to get a property into Court, and probably it will never come out again. They want all the gold for themselves, and leave the owner the dross. I agree there should be an appeal from the warden's decision, but what better Court of Appeal can you have in such matters than the Executive Government of the colony?

MR. LEAKE: Not on a question of law, surely!

MR. R. F. SHOLL: At any rate, I should not allow appeals to the Supreme Court in these mining disputes. With regard to jumping, I think jumpers are a necessary evil upon goldfields, if you insist upon labour conditions. If you do away with these jumpers, you may as well do away with labour conditions altogether. I believe there is something in what the hon. member said about the practice of avoiding the labour conditions by having friendly jumpers. I think that is an abuse that ought to be remedied. No doubt it is largely resorted to, and this committee should give their attention to it. I think the committee will have plenty of work before them.

THE ATTORNEY GENERAL (Hon. S. Burt): I hope that while the hon. member for Yilgarn and the members for Kimberley are forming a cave down at that end of the House, they will not forget that there is a member at this end who represents a goldfield also. I am equally a goldfields member as they are. We must not forget that the present Goldfields Act (and the majority of the regulations framed under it) was passed in 1886, and that it was intended to be applicable to the Kimberley field only. In no sense was it intended for a place like Yilgarn or the Murchison, or the Ashburton. Therefore we must not blame the framers of that Act because circumstances have arisen that did not exist at the time of the passing of the Act. One can hardly conceive that an Act applicable to Kimberley ten years ago would be applicable to existing conditions on our goldfields. I quite admit the Act requires some amendment—it could hardly be otherwise; but what direction that amendment should take is another matter. Whether we should build afresh on the old lines, and assimilate the Act to existing conditions, or whether that Act should be thrown aside, and a new system introduced altogether, is a question that admits of some argument. The hon. member for Nannine recommends the appointment of local Boards. Perhaps, in committee, he will be able to tell us how these Boards work elsewhere. I know nothing about it myself, except this: that when we were considering this Bill in 1886, it was reported to the Government (of which I happened to be an acting member) that these Boards had not been a success elsewhere, and we were advised to adopt the Queensland Act as more suitable to our circumstances.

MR. ILLINGWORTH: They are increasing the powers of Boards in Victoria.

THE ATTORNEY GENERAL (Hon. S. Burt): I should say that these Boards, if not invested with too much power, would be just the people to frame by-laws for their respective goldfields. There is no doubt that some amendment is required in the Act and in the regulations; they are not altogether clear, I think, to the minds of anybody. With regard to to the question of appeal, I think that wants a great deal of consideration. I think the reason why no appeal was given when the present Act was passed was because it was considered that Kimberley was so far away from head quarters at that time that it would be almost impossible to have any appeal, because of the distance of the fields from Perth. It was felt that, if people came all the way from Kimberley to Perth to urge their cases before the Supreme Court, they would be leaving all the good things behind them, and that probably the lawyers would get the oyster and they only the shell. Therefore, it was considered that all hands would reap a greater advantage by having speedy and cheap justice administered on the spot rather than that cases should be brought all the way to Perth. We must remember that in goldmining, after all, the conditions are peculiar. I think if I had a lease, and the Warden gave it away to somebody else whom he thought had a better claim, I would try to find another one, instead of petitioning this House or appealing to the Supreme Court, with all the attendant expense, and delay, and uncertainty after all. I think that by

the time the case was settled—perhaps in two years time—I would be sorry I had ever gone to law about it. I am inclined to think that if I was a miner I would rather not have an appeal, but let the Warden's decision on the spot be final. If you lost one thing you would probably find something else just as good, if not better. However, it is a matter for the committee to consider, and for this House afterwards, when the committee bring up their report. The hon. member for Albany also made some suggestion about alluvial mining in connection with leaseholds. That, again, is a somewhat difficult matter to deal with. I believe there is a great difficulty in classing gold sometimes, and deciding whether it is, technically, alluvial gold or not; and it may be desirable to define in the Act and in the regulations what is meant by alluvial gold. If it is alluvial, I think the alluvial digger ought to get it. It may run very near to the reef, but that is a difficulty that can be settled, I suppose, by those who have any practical knowledge of the subject. I hope this committee will go to work at once, so that we may have some amendment of the Act before the session closes, otherwise I am afraid the public will be very much disappointed.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): As I happen to be at the present moment the Minister who has to administer these mining laws, possibly I may be expected to say a few words. I shall be very glad indeed if this committee is formed, and that we should have the benefit of their views upon this important subject. With regard to, perhaps, the most important phase of the question, namely, that of jumping and forfeiture, I can only say that, personally, so long as I am administering the Mining Department, I shall be very much pleased indeed if the power now vested in me were taken out of my hands—I mean the power and the responsibility of deciding whether a lease or a claim should be jumped or not. If members had to sit in my chair, and had to consider the many conflicting points that are brought before the Minister, they would, perhaps, find how difficult it is to settle these points satisfactorily. I can tell the House they are sometimes enough to distract any ordinary mind—and I do not presume to be an extraordinary man myself.

MR. LEAKE: Oh, but you are.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): All I can say is, I shall be very glad myself if this power is taken from the Minister of Mines, and relegated to some other authority. As for the right of appeal, I am doubtful whether it would be a good thing to have an appeal to the Supreme Court, as suggested. We know there is a notion in the minds of most men who go gold-mining that the particular reef or claim in which they are interested is always worth a lot of money.

MR. LEAKE: I did not suggest it as to claims.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): We know that, in ninety-nine cases out of a hundred, the man who applies for a lease has an idea that it is a most valuable property, and that, if his right to the ground is disputed, he would, in ninety-nine cases out of a hundred, appeal to the Supreme Court, if the right of appeal existed. Would that be a desirable state of things, to have all these leases hung up in the Supreme Court, pending the decision of the Court, when you have a capable man on the spot, appointed by the Government, and a man whose opinion upon matters of mining law should be equal in value to that of the Chief Justice himself?

MR. LEAKE: Twaddle!

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): He says it is rubbish.

MR. LEAKE: I said twaddle.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I say that, as a general rule, the man who is on the spot, who hears the evidence, and who probably knows all the circumstances and the facts of the case, and who has been occupied with mining affairs for a number of years,—I say his opinion may be regarded as a better opinion than that of a Judge of the Supreme Court, who never has had anything to do with mining affairs.

MR. LEAKE: That is not a question of law, but of facts.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): That is just where I feel the difficulty. The

Warden who is on the spot, and who has these people before him, can judge of the facts and of the merits of the case better than I can, sends down the facts to me, and I am expected to deal with the matter. If I give a verdict that does not——

MR. RICHARDSON: Please everybody.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Yes; if I give a verdict that does not please everybody, there is dissatisfaction. What am I to do? You should either have one thing or the other; the decision of the Warden should be final, or else there should be this appeal to the Supreme Court, and, of the two, I should prefer the verdict of the Warden.

MR. RICHARDSON: At £250 a year.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I don't care how much you pay him. I will not object to giving him a great deal bigger salary than he gets at present. All I say is, if you appoint a good man, an honest man, an experienced man, a trustworthy man, a man in whom you have every confidence,—if you do that, you will find that his verdict is likely to be as good and true a verdict as any that could be given by the Chief Justice himself. No doubt there are many other things in the regulations and in the Mining Act which may require alteration, but for which I am in no way responsible—though I was a member of the House when the Act was passed. I quite agree with what has been said by my hon. friend the Attorney General: when that Act was passed it was passed simply to meet the requirements of a distant goldfield. There was no idea at that time that our goldfields would have extended as they have done; and I am convinced that, in our existing circumstances, there is a necessity for a strict inquiry into the provisions of that Act, and great room for improvement in the regulations framed under it. I shall only be too glad, myself, to see this committee appointed, and I shall be very pleased to offer what suggestions I can to aid them in improving these regulations, for the benefit of the country.

MR. ILLINGWORTH: I may say that, so far as the first part of my resolution is concerned, I am quite willing to withdraw it, as there has been a general consensus of opinion that a new or amending Mining Act is urgently called for. But I should like the House to affirm the principle embodied in the second part of my resolution—that such new or amending Act ought to provide for the establishment of local Mining Boards.

MR. A. FORREST: The committee can deal with that.

MR. ILLINGWORTH: That is all very well. The object I have in view is to get an affirmation of the principle by the House. Every member who has spoken has practically approved of the principle. They say it is impossible, in consequence of the different conditions prevailing in the various districts, to have one law to meet the different requirements of every district. That is undoubtedly the case, and that is the reason why I want to have these separate Mining Boards introduced.

MR. A. FORREST: The committee can deal with that in their report. That report will have to come before the House.

MR. ILLINGWORTH: Very well. If it is the wish of the House, I will withdraw my resolution.

Resolution, by leave, withdrawn.

Motion for the appointment of a Select Committee—put and passed.

MR. SOLOMON moved that the committee consist of seven members.

Agreed to.

A ballot resulted in the appointment of the following members to serve on the committee:—Mr. Illingworth, Mr. Keep, Mr. Moran, Mr. Connor, Mr. Burt, Mr. Marmion, and the mover (Mr. A. Forrest); with power to call for persons and papers.

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

This Bill was further considered in committee.

New clause:

MR. JAMES moved the addition of the following new clause:—"Every mayor shall, whilst holding office as mayor, be, by virtue of his office, a justice of the peace in and for the colony of Western Australia." He said this principle obtained in the other colonies, and it would be the only privilege or distinction which the mayors of municipalities would receive under this Bill. As the Conference had asked for this small privilege, he thought the House might well grant it.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) asked the Attorney General—seeing that this privilege was only to continue while a mayor held office—whether there was anything in the law to preclude a man from holding the position of a justice of the peace merely while in office?

THE ATTORNEY GENERAL (Hon. S. Burt): Nothing that I know.

MR. LEAKE asked the Attorney General whether he did not think the clause was rather an encroachment upon the Royal prerogative. It was in the exercise of the prerogative of the Crown that justices were appointed, and they were supposed to hold the commission so long as they conducted themselves. Here it was proposed that these justices should only hold that office while they were mayors; it might be for a year, or it might be longer. It was a very invidious distinction to draw. He believed that, as a matter of fact, nearly all the mayors in the colony were justices of the peace already. If not, he presumed there were some reasons for it. He thought they should leave it to the Government, for the time being, to appoint justices of the peace, in their discretion, and not let the ratepayers appoint them, which would virtually be the case if this clause passed.

MR. HARPER: Supposing the mayor should be a lady?

MR. LEAKE: Yes; that would be very awkward indeed. He would also point out there was a certain class of people in this colony who laboured under certain disabilities, and those disabilities did not extend to the office of mayor; but he thought it would be foreign to our Constitution and to our institutions to allow these people to be appointed justices of the peace. It was a subject which he did not care to dwell upon; but he thought it was only right to draw the attention of the Ministry to the point.

MR. A. FORREST said that, so far as he was concerned, he thought if a man were elected mayor of a town he was entitled to become a justice of the peace. At present he did not think there was a mayor in the colony who was not a justice of the peace except the Mayor of Perth (himself). He was not going to vote for the clause for the sake of having the privilege of adding "J.P." to his name; but he thought it was a privilege that should attach to the office of mayor while it lasted. He had no doubt that if it did attach to the office, they would have more candidates aspiring to the position of mayor than they generally had now.

MR. LEAKE: That's the idea, is it?

THE ATTORNEY GENERAL (Hon. S. Burt) thought there was something in what the hon. member for Albany had said, that it would be somewhat encroaching upon the prerogative of the Crown, though the same rule, he believed, existed in the other colonies. At any rate, he was going to vote against the clause. He did not think it was the province of the ratepayers to judge who should be appointed justices of the peace; that was more within the province of the Executive Government. If they adopted this clause he thought they would be detracting from the dignity of the position of a justice of the peace—not, perhaps, so far as the larger towns were concerned, but certainly in some of the smaller municipalities. He thought it was an unwise provision.

MR. ILLINGWORTH said he was in accord with the Attorney General in this instance. The practice in Victoria was that when a mayor became a justice of the peace, he remained a justice of the peace all his life. He did not think the clause had much to recommend it. Some good things came from Victoria no doubt, and some things that were not so good. The position of a justice was essentially a judicial position, and he did not think magisterial appointments should be relegated to the chances of the ballot-box. They had seen cases where the elected were men quite competent to discharge the duties of a mayor of a municipality, but who were scarcely men they would wish to see entrusted with judicial power. Let the ratepayers elect their own mayors, but let the power of appointing justices remain in the hands of the Government. He did not think the power was likely to be abused. He had watched the exercise of this power in Victoria, in the appointment of Judges, and he never knew a single instance, no matter what Government happened to be in office, where the appointment had not met with the almost unanimous approval of the public. While on this subject, he would like to urge upon the Ministry the

necessity of appointing more justices in our goldfields districts. There were many gentlemen well fitted for the position, and he thought it very desirable these appointments should be made in every convenient centre; but he was strongly opposed to the motion now before the committee.

THE PREMIER (Hon. Sir J. Forrest) said the hon. member for West Kimberley stated that all our mayors at present, with one exception (the hon. member himself), were already justices of the peace. That was not a quite accurate way of putting it, for he did not think it was the case. He believed there were several mayors who were not justices. The reason why they were not was probably because they had not been longer in office, or had not served the public long enough, or something of that sort. Even in Perth and Fremantle it had not been the rule to make the mayor a justice of the peace soon after his election. With regard to the hon. member himself, who said he believed he was the only mayor in the colony who was not a justice of the peace, he could only say that he had on several occasions recommended the hon. member for the position; but, somehow or other, he did not seem to care for the honour. He thought they had better not move in this direction at the present time. He did not think it would have a good effect. It seemed to him it would be somewhat invidious if a mayor, who had been a justice of the peace for twelve months, should, in the event of his not being re-elected, be deprived of his commission. If they made the appointment at all it would be better to make it a permanent one, rather than leave a man out in the cold after his year of office expired.

Clause put, and negatived on the voices.

New clause:

MR. JAMES moved the following new clause:—"Every Council may vote to any mayor an annual sum not exceeding five per cent. of the amount raised by the general rate, to be expended in such manner as the mayor thinks proper." He moved the clause at the request of the late Conference of delegates.

MR. LEAKE thought this would operate as a heavy drain upon the revenues of the municipalities, in addition to the three per cent. for refreshments. This would amount to eight per cent. of a municipality's income. It would be better to pay the mayor a regular salary, than to pay him on a sliding scale. The bigger the income of the municipality, the bigger would be the vote for the mayor. They would not always have a mayor like the present Mayor of Perth, who would not accept this allowance if granted. Some mayors might be inclined not to spend their allowance except upon themselves. This clause would enable them to spend the vote in any way they thought proper. Unless he heard some argument in support of the proposition, he was not inclined to support it. At present his mind was a perfect blank, and ready to receive any impression.

MR. A. FORREST thought the clause must commend itself to most members. So far as he was personally concerned, he would rather not see it in the Bill. But no doubt the claims made upon the mayor of a town became a great hardship to a man who, for instance, had not a "Wealth of Nations" at his back. It cost a lot of money to have to entertain distinguished visitors, and to meet the many other claims made upon the mayor of a town in these days. The three per cent. allowance was soon absorbed. One entertainment to a distinguished visitor would do that. The Mayor of Coolgardie told him the other day he expected it would cost him £500 at least to entertain the host of distinguished strangers who now came to the colony, attracted by the goldfields. This clause was recommended by the late Conference, but he did not like the wording of it, where it said the vote was to be expended in any manner the mayor thought proper. Some mayor might be inclined to put some of it into his own pocket. He thought the clause should provide that the allowance was to be expended for the benefit of the municipality, or in maintaining its good name for hospitality to strangers; or something to that effect.

MR. R. F. SHOLL thought the result of making this allowance to the Mayor would be that we should have a very different class of men seeking for that position. We would have more candidates going in for the sake of this five per cent. allowance than for the dignity of the position.

MR. JAMES said he had brought forward the clause, as he had already stated, at the wish of the Municipal Conference. On principle, he objected to it most strongly. He objected to the good money of the ratepayers being wasted on bad champagne for the benefit of half a dozen people, and in entertaining what were called "distinguished visitors."

MR. ILLINGWORTH said they did this sort of thing in Victoria, and the practical effect of it was this: so much was expected from the mayor, because he received an allowance, and people made such demands upon him, that it positively became a burden rather than a relief. No mayor went out of office without having spent two or three times as much as the Council allowed him, and then he was roundly abused for his illiberality. As we had got on here so far without this allowance to our mayors, the best thing we could do was to keep out of it as long we could.

MR. SOLOMON opposed the clause. He thought the three per cent. already allowed was quite sufficient for purposes of entertainment, considering the increasing revenue of our municipalities. Not only that, he endorsed what had fallen from the hon. member for Nannine, that when a mayor received an allowance he was expected to spend two or three times as much as he received, for people looked to him to put his hand in his pocket for every scheme that was going on.

MR. WOOD presumed it was no good supporting the clause, in view of the consensus of opinion there seemed to be against it, though he must say he had a certain amount of sympathy with it, because he knew the expenses of the mayor of a town were generally very considerable. What he should like was this: sometimes only a small portion of the three per cent. grant was expended within the year, and at present the balance lapsed, and he should like to see the unexpended balance carried on, from year to year, to form a fund for the purposes it was intended for.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said if they could guarantee that every mayor would spend this five per cent. allowance in upholding the credit of the municipality, he would not object to the clause, because he was one of those who liked to enjoy the hospitality of the mayor occasionally. But he was afraid, if they introduced this provision into the Bill, they would find that instead of this allowance being spent in sustaining the hospitable reputation of the town, it would sometimes go into the pocket of the gentleman who drew the allowance.

MR. H. W. SHOLL was certainly opposed to the clause. This allowance to the mayor would be something which would be used for the benefit of only a few favoured individuals, like the Government steam launch, the Commissioner of Police's carriage and pair, and the Commissioner of Railways' saloon carriage.

Clause put, and negatived on the voices.

New clause:

MR. JAMES moved the following additional clause:—"Every council may, "at any time, re-purchase any debentures "issued by the council under the provisions of this Act, or any of the Acts "hereby repealed, and the ordinary income of the municipality shall be "applicable for such purposes."

Agreed to.

New clause:

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

"Contracts on behalf of any council "may be made, varied, or discharged, as "follows:—

(1.) "Any contract which, if made "between private persons, would "be by law required to be in "writing under seal, may be made, "varied, or discharged in the "name and on behalf of the council in writing under the seal of "the council.

(2.) "Any contract which, if made "between private persons, would "be by law required to be in "writing and signed by the parties "to be charged therewith, may be "made, varied, or discharged in "the name and on behalf of the "council in writing, signed by any "person acting under the express "or implied authority of the "council.

(3.) "Any contract which, if made "between private persons, would "by law be valid, although made "by parole only, and not reduced "into writing, may be made,

"varied, or discharged by parole "in the name and on behalf of the "council by any person acting "under the express or implied "authority of the council.

"And all contracts made according to "the provisions herein contained shall be "effectual in law, and shall be binding "upon the council and their successors "and all other parties thereto, their heirs, "executors, or administrators, as the case "may be."

Put and passed.

At 6·30 p.m. the Chairman left the chair for an hour.

At 7·30 p.m. the Chairman resumed the Chair.

New clause:

MR. JAMES moved to add the following new clause:—"The council of every "municipality may, in and through any "lands adjoining or lying near to any "street or road within the municipality, "make and open such ditches, gutters, "tunnels, drains, and water-courses as to "such council may seem fit; and all "ditches, creeks, gutters, tunnels, drains, "or water-courses within or adjoining "the municipality may make, scour, "cleanse, and keep open, and for any of "the purposes aforesaid may enter upon "any lands; and such council shall "make compensation to the owners and "occupiers of any lands for any damage "which they may sustain through the "exercise of any of the powers conferred "by this section."

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

New clause:

MR. JAMES moved to add the following new clause:—"The council of any "municipality may plant trees in any "street or road in the municipality, "and erect tree-guards to protect the "same, so that the thoroughfares be not "thereby unduly obstructed."

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

New clause:

MR. JAMES moved to add the following new clause:—"The council of any "municipality may provide for the re- "moval of nightsoil from places within "the municipality or any part or parts "thereof, and the treatment and disposal "of such nightsoil, including the plough- "ing in or burying of such nightsoil on "land, or its application to land for the "purpose of manuring it, and may, from "time to time, make contracts for that "purpose, and any person so contracting "with the council may, in carrying out "his contract, do anything that the "council might do. Provided that "nothing in this section shall authorise "the committal of any nuisance, or any- "thing in contravention of any Act for "the time being in force relating to the "public health, or of any by-law for the "time being in force in any munici- "pality."

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

New clause:

MR. JAMES moved to add the following new clause:—"No person shall be entitled "to recover damages against any munici- "pality in respect of any loss or injury "sustained either to himself or to any "other person or any property by reason "of any accident upon or while using any "highway, street, road, bridge, ferry, or "jetty in the municipality and under the "control of the council, and for which the "municipality would otherwise be liable, "unless the following condition is com- "plied with:—

(1.) "That notice in writing, stating "the name and address of the "person injured, or of the owner "of such property, the nature of "the accident, and the time and "place at which it took place be "given to the municipality or "left at the office of the council "by or on behalf of the person "injured, or by or on behalf of "the owner of such property "within twenty-eight days after "the occurrence of the accident, "or the plaintiff show some suffi- "cient reason why the person "injured or the owner of such "property was unable to give "such notice."

"Not less than one month nor more "than six months after the service of "notice of an action for any such cause "as aforesaid, an action for such cause "may be brought in any court of com- "petent jurisdiction."

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

New clause:

MR. JAMES moved to add the following new clause:—"If any action for any "such cause as aforesaid is commenced by "any plaintiff when the condition herein- "before contained has not been complied "with, and the municipality proves by "affidavit to the satisfaction of the Court "in which the action is pending that such "is the case, such Court may order such "action to be stayed."

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

New clause:

MR. JAMES moved to add the following new clause:—"In any prosecution or "other legal proceeding under the pro- "visions of this Act, or any by-law here- "under, instituted by or under the direc- "tion of the council of any municipality, "no proof shall be required—

(1.) "Of the persons constituting the "council, or the extent of the "municipality; or

(2.) "Of any order to prosecute, or of "the particular or general ap- "pointment of any municipal "clerk, surveyor, inspector or "other officer of the council; "or

(3.) "Of the authority of any munici- "pal clerk, surveyor, inspector, "or other officer of the council "to prosecute; or

(4.) "Of the appointment of the mayor "of the municipality, or the "municipal or town clerk, or "surveyor; or

(5.) "Of the presence of a quorum of "the council at the making of "any order or the doing any "act,"—

"until evidence is given to the contrary."

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

New clause:

MR. JAMES moved to add the following new clause:—"All documents what- "ever purporting to be issued or written "by or under the direction of the council "of a municipality, and purporting to be "signed by the mayor, or municipal or "town clerk or surveyor, shall be received "as evidence in all courts of law, and "shall be deemed to be issued or written "by or under the direction of the council "without proof, unless the contrary be "shown. The word 'documents' in this "section shall include all regulations, "orders, directions, and notices."

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

New clause:

MR. JAMES moved to add the following new clause:—"In any legal pro- "ceedings under the provisions of this "Act, in addition to any other method "of proof available—

(1.) "Evidence that the person pro- "ceeded against is rated as "owner or occupier in respect "of any land to any general "or special rate for the "municipality within which "such land is situated, or

(2.) "Evidence by the certificate "of the Registrar of Deeds "or his deputy that any per- "son appears, from any me- "morial of registration of any "deed, conveyance, or other "instrument, to be the owner "of any land, or evidence by "a certificate, signed by the "Registrar of Titles, or any "Assistant or Deputy Regis- "trar, and authenticated by "the seal of the Office of "Titles, that any person's "name appears in any regis- "ter book kept under the "'Transfer of Land Act, "1893,' as owner of any land,

"shall, until the contrary is proved, be "evidence that such person is the owner "or occupier, as the case may be, of such "land."

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

New clause:

MR. JAMES moved to add the following new clause:—"All courts and all "persons having, by law or by consent of "parties, authority to hear, receive, and "examine evidence shall, for the purpose "of this Act, take judicial notice of the "signature of any such assistant or "deputy, whenever such signature is "attached to such certificate, and such "Registrar of Titles or Assistant or "Deputy Registrar shall, on the written "application of the council of any muni- "cipality signed by the municipal clerk, "furnish to such council a certificate "under the seal of the Office of Titles, "giving the name and address of such

"owner, the situation and description of "such land, and date of registration of "title, on payment of two shillings for "each certificate."

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

Schedules:

First to fifth, inclusive, agreed to.

Sixth Schedule:

MR. JAMES moved that a column headed "Number of Assessment" be placed on the left hand side of the Schedule.

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

Seventh Schedule:

MR. JAMES moved that a column headed "Number of Assessment" be placed upon the left-hand side of the Schedule.

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

Eighth Schedule:

MR. JAMES moved that the amount "2s.," opposite the words "For every warrant of distress," be struck out, and the amount "1s." be inserted in lieu thereof.

Put and passed.

MR. JAMES further moved that the amount "10s.," opposite the words "For every levy," be struck out, and the amount "5s." be inserted in lieu thereof.

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

Ninth to Thirteenth Schedules, inclusive, agreed to.

Preamble and title:

Agreed to.

Bill reported with amendments.

CONSTITUTION ACT FURTHER AMENDMENT BILL.

SECOND READING.

THE PREMIER (Hon. Sir J. Forrest), in moving the second reading, said: This is a very short Bill, and hon. members will scarcely require to be told that its object is to repeal the 70th Section of the Constitution Act, by which the Aborigines Protection Board is established. The correspondence which has taken place between the Governor of the colony and the Secretary of State in England has been placed before hon. members, both last session and this session. We have tried to induce the Secretary of State to agree to the repeal of that section, but, I regret to say, without any great success. The Government of this colony have carefully considered this matter, and although very much against our wishes, still, being supported by a resolution of this House passed a few days ago, affirming that the Government should bring in a Bill with the object of repealing this section of the Constitution Act, we have felt that, holding the opinion we do, it is our duty to this House and the country to act in accordance with the resolution. It is also entirely in accordance with our own views, but of course we are much supported in the action we are taking by the resolution of this House. I do not propose to say much on the present occasion, beyond this, that I very much regret the position in which I find myself, and in which this House finds itself, in being compelled to take this course. I think that, if wiser counsels had prevailed, the Secretary of State would have met the wishes of the people of the colony in regard to this matter. I see no reason whatever why the request which was made by me in 1891 should not have been complied with, inasmuch as the Secretary of State himself admits that this is a peculiar provision in the Constitution Act of a self-governing colony. In his despatch dated the 3rd February, 1893, and which has been placed before hon. members, the present Secretary of State said he regarded the provision in this section of the West Australian Constitution Act as being of a temporary character, and that he looked forward to a period when it would be possible to repeal that provision. But he went on to say that time had not yet arrived. I again addressed the Governor, on the 11th May, 1893, and pressed upon him the necessity for repealing this clause, and I stated the whole case of the colony in a very few words. I asked the Governor to be good enough to inform the Secretary of State of His Excellency's opinion on three points:—First, "Is the Board necessary in order to protect and care for the aborigines of this colony?" Now, as to this point, I feel certain there is no one who has any knowledge of what is going on throughout this immense territory who could say that the Board, as constituted

under the Act of 1889, is necessary in order to protect and care for the aborigines of this colony. That Board has been in existence three and a half years, and although I have not one word to say against the gentlemen who occupy the position of members of the Board, and do not wish to say anything against them, yet I may say they have not taken any active part in the care and management of the aborigines throughout the colony. They have only one inspector, in the Northern part of the colony, and he travels about, and possibly is a very good officer. I have never heard or read anything, in regard to him, that is not to his credit. He travels about the Northern districts and makes reports to the Board. Those reports are on the table of the House, and I have glanced through them—though they do not seem to be much read by other hon. members; but no one can say, from those reports, that the Board is necessary. The care and protection of the aborigines are carried on at the present time by the Government, in the same way that these duties have always been carried on from the beginning of the colony. The Resident Magistrates, the Government Medical Officers, and the police throughout this immense territory have the care and protection of the natives entrusted to them, and they carry out those duties now the same as they did before this Board came into existence. If it were not so, the Board would be altogether powerless to carry out its duties; and even if those duties consisted in providing relief to the natives, I do not think the Board has even done more than to distribute relief to the natives about Perth, and to provide funds for distribution by the Resident Magistrates, Government Medical Officers, and police throughout the colony, as required. The officers of the Government do the work, and send in their accounts to the Board, which pays the accounts. But the Government officers might just as well send the accounts in to the Treasury, or to the Minister who has charge of the vote for that purpose. Therefore, I think I am justified in saying the Board is not necessary in order to protect and care for the aborigines of the colony. The next question which I asked the Governor to give his opinion upon was this: "*(b)* Would the aborigines suffer in any way if the Board was abolished?" Of course, I know that no one could say they would suffer. I do not see how it is possible for them to suffer. They receive no more attention now than before the Board came into existence; and how would it be possible for them to suffer by the abolition of the Board? Then I asked the Governor to state his opinion upon another pertinent question: "*(c.)* What reason is there why the control and care of the aborigines are not entrusted to the people of this colony?" I never got any answer to that. It would be a rather difficult question to answer. I felt that I was putting a question which would be difficult to answer. The only answer would be that the people of this country were not to be trusted to look after the interests of the aborigines, and I felt sure that answer would not be given. However, that question was not answered at all. Correspondence proceeded, and the question arose as to the expenditure of this money. I maintain, as hon. members will notice in the papers on the table, that the expenditure of this money, which was part of the administration of the country, should be accounted for by the Board, and that the accounts should be audited in the usual manner. Correspondence on that point took place between myself and the Governor and the Attorney General; and I regret to say the Attorney General did not agree with my law on the subject, and I had to give way. But I still maintain there is a good deal to be said, from my point of view, for I do not think it was ever intended that this amount of money, which is provided for the care and benefit of the aborigines, should be expended by this Board, without the accounts being audited to show that the Board expended the money legally and in the interests of the aborigines. But even that was not conceded, and the Secretary of State, on the 24th July, 1893, informed His Excellency the Governor, and asked him to inform me, that he did not mean to suggest that the funds of the Board should be duly accounted for and audited in the usual manner, as had been stated in my minute of the 11th May. I think that point might have been conceded, because this Board is founded upon a statute, and under that statute it can

only expend its moneys in the care, and in providing with food, and in alleviating the condition of the aborigines of the colony. It might have been conceded that the expenditure should be subjected to the same scrutiny as the ordinary expenditure of the Government—that is, the scrutiny of the Auditor General. But no; it was not even conceded that the accounts should be audited in the usual manner by the Auditor General. The latest correspondence in regard to this matter is to be found in the papers laid before the House this session; and the reply of the Secretary of State to the resolution passed by both Houses of Parliament, asking that this section of the Constitution Act should be repealed, says that the resolution did not indicate any specific reason for this course, or formulate any definite charge against the Board. Well, I think it was not the intention of members to formulate any charge against the Board. But, as to the reason why it is desirable that the Board should be abolished, I think that, seeing that members of both Houses had the correspondence before them, the reasons that had been given by the Government during the time the correspondence was going on were sufficient to have rendered unnecessary any statement by the Secretary of State that no reasons had been given. And then his lordship goes on to say:—"I have perused the "debates in the two Houses of Legislature "on the resolution, but the information "which they convey does not enable me "to gather with certainty how far the "Colonial Parliament was influenced by "the allegations made by certain mem- "bers that the funds entrusted to the "Board have been unsatisfactorily ad- "ministered, and how far, by the general "argument, that the present arrange- "ment is anomalous and unnecessary." Of course that is one of the main reasons. There are two reasons: the constitutional reason, and also the reason that the public money raised from the people of this country should not be expended by a Board irresponsible to the Government, and not subject to the control of Parliament. His lordship went on to say:— "I am ready to admit that the advance "of settlement, and the consequent de- "velopment of the administrative system "of Western Australia, may, at no very "distant date, not only justify but render "desirable the radical revision of an "arrangement which was dictated by a "different state of things, and which may "be considered as *primâ facie* inconsistent "with the full responsibility of the local "Government for the internal affairs of "the colony." His lordship has hit the whole matter in these few words, "at no "very distant date." I wonder what is intended by the expression. I wonder what is likely to happen "at no distant "date," to justify an amendment of the Constitution Act in this respect, that is not apparent already? I think that the administrative system of Western Australia has developed sufficiently, at any rate, to control the expenditure of these few thousand pounds upon the aborigines, certainly in as careful and judicious a manner as the money is expended by the Board at the present time. Then it was suggested that a vacancy on the Board should be made for a member of the Government or some person to be nominated by the Government, and to represent the Government on the Board "for the present;" and, if this were done, his lordship says it would evince the readiness of the Government "to co-operate "with the Governor in regard to the "treatment of the natives during the "transitional period to which I have "referred, and would, I should imagine, "greatly contribute eventually to an "easy and satisfactory settlement of the "question." And his lordship's despatch concludes with these words:— "The "proved readiness of Ministers and of "the colonists generally to secure the "good treatment of the aborigines will "furnish the best answer to those persons "who may hereafter object to the can- "cellation of the section, and I therefore "hope that the co-operation above indi- "cated will not be refused." I wonder what persons these are, and what they have done for the aborigines of this country, that they should object, as his lordship suggests, and should require us to answer to them? My idea is that if they intended to do anything for the aborigines, they would have done it long ago, and would have manifested some interest in the aborigines before this time. As a matter of fact, the only persons to whom the aborigines have to look, in order to take care of their

interests, are the people of this country. If the aborigines had to depend on persons living in England or elsewhere, to look after their interests, I am afraid they would be leaning on a bruised reed, and would not get any of that assistance which they require. The people of this country are the guardians and protectors of the aboriginal race, and to them alone the aborigines have to look. My objections to the existence of this Board are that it is not necessary, that it has no power to carry out its duties, that the whole machinery by which it distributes relief—and it does nothing more than that—is the machinery of the Government of the country. We can do the business equally well without the Board. I know we could do it a great deal better, for we could scrutinise the expenditure in a more effectual way than the Board can do. I say they have no machinery for carrying out their duties; and if the Government of the day were to say "You must manage your business in your own way," they would then be altogether unable to carry out the work of distributing relief with which they are entrusted. The amount of money that is provided by the Constitution Act—that is 1 per cent. of the revenues of the colony, which will amount this year to something like £7,000—would be altogether inadequate for the purpose if the Board had to provide the whole machinery. And, besides that, they have no knowledge of what is going on in the various parts of the colony, for they have to depend on the police and Resident Magistrates and Government medical officers for the information concerning the natives which is now communicated to the Board, and therefore the Board, without that information, would have no knowledge of what is going on in, say, the Kimberley district, or in any district outside of the limits of a mile or so from Perth. Of course hon. members are aware that this Bill, if it passes both Houses of the Legislature, will have to be reserved by His Excellency the Governor, for Her Majesty's assent or otherwise. I may say again that I am sorry indeed to be obliged to take this course, in opposition to the Colonial Office in England—that is, placing before them for Her Majesty's assent a Bill to which the Secretary of State has informed us that he is not prepared to advise that assent should be given. But I think the time has arrived when we should, in no uncertain way, show the Imperial authorities that in a matter which affects the self-government of this country, and affects the revenues of the country, for which this House is responsible to the people, we intend to carry on the Government of this country with as free a Constitution as exists in any other part of the British dominions. This Section 70, which was put into the Constitution Act of 1889, has no place in the Constitution Acts of the other Australasian colonies. There were more natives in those colonies than in the settled parts of this colony, when their Acts were passed; yet no provision of that sort was considered necessary when those colonies obtained Responsible Government. But for some reason or other—I do not know what—at the eleventh hour, and when this the last of the Australian colonies was granted Constitutional Government, it was considered necessary to place this provision in our Constitution Act. I am aware it has been stated that because we agreed, under pressure, to accept the Constitution Act in its present form, it was a bargain that we made, and we should keep to it. I do not agree to that, and for this reason, that we are not trying to break the bargain by force, but are using constitutional and proper means for altering our Constitution, which we have a right to do. If, on the contrary, the Government refused to pay the subsidy required under the Act, or if we did anything else which would be illegal under our Constitution Act, I can understand there might then be cause for complaint. But we have not done that, and do not intend to do it. Our present action is only to get the Constitution Act altered by proper and constitutional means. I beg to move the second reading of the Bill.

THE SPEAKER said that, this Bill being an amendment of the Constitution Act, he could not put the question unless an absolute majority of the members were present. Only 15 were then present, and 17 would be an absolute majority.

A short pause ensued. Seventeen members having been counted, his Honor put the question.

MR. SOLOMON: I think the Government are to be congratulated upon having

brought this matter forward so soon after the House expressed its wish unanimously in this direction. The question has been placed before the House in various forms, and motions have been passed condemning the continued existence of the Aborigines Protection Board. The existence of such a Board is humiliating, and, though forced upon us, the sooner we can get rid of it the better. Not only have we no control over the funds which have to be paid to the Board, but the annual amount must increase largely with the increasing revenues of the colony, while, on the other hand, the aborigines are decreasing in number, so that there cannot be the necessity for this large increase of outlay by the Board. I am aware that the whole of the machinery outside of the city of Perth is the machinery of the Government, used by the Board for carrying out its duties; and if the Government could have seen their way clear, or if by any chance this Bill, which I am sure will be passed through both Houses unanimously, be vetoed by not receiving Her Majesty's assent, I would suggest that the Government make a charge for the use of their machinery in carrying out the purposes of the Board.

THE PREMIER (Hon. Sir J. Forrest): There would be nothing left for the natives, then.

MR. SOLOMON: I consider the existence of this Board is a slur upon the colony, and upon both Houses of Parliament, as well as upon Ministers. That we should have to lay out this large sum annually for a public purpose, without the expenditure being supervised by the Auditor General, is a disgrace to any self-governing colony. The Premier, above all others, knows what humiliation it has been to the colony, and also I believe to the Government. I shall content myself by supporting the second reading.

MR. LEAKE: I do not intend to oppose the passage of this Bill through the House, for I think that, in dealing with this native question, the present course is in accordance with Constitutional practice. It is better that the question should be dealt with in this way than in what may be called the unconstitutional manner which was adopted some months ago by the hon. gentleman on the other (the Ministerial) side of the House, when he wrote a rather scolding minute to the Aborigines Protection Board. Hon. members will, perhaps, remember seeing it published in the Press; and those hon. members who remember the terms of that minute must agree with me that it is a pity the Premier ever thought fit to address to that body a minute in such terms, because that minute seemed to be an unconstitutional attack upon a properly constituted body. Perhaps the hon. gentleman will be able to say why and under what circumstances it was done; but I do not hesitate to bring this matter before the House, because I remember being very much struck with the minute when it was published, and was astonished to think that such a course could have been pursued. Whilst I am prepared to support the Bill, I should like to see some further amendment in the Constitution Act proposed, on two subjects in particular. One is in regard to actions which may be brought against hon. members of this House; and the necessity for such amendment has been brought prominently to the notice of hon. members by very recent proceedings in Perth. In looking through the Constitution Act, I find it differs from the Electoral Act in this respect, that whereas in the Electoral Act when a person seeks to attack an hon. member of this House he has to give security for costs, yet under the Constitution Act when an individual seeks to attack a member of this House he is not required to give security for costs. I should like the Government to consider the advisableness of bringing in an amendment to meet that matter. I do not say this in the interest of any particular hon. member, although I am bound to admit that, were it brought in at the present moment, it would possibly affect one hon. member. But the circumstance has arisen, and the fact is pointed out that there is this blot in the Act; therefore the sooner it is remedied the better. Nobody knows when any member of this House may be attacked, and it is only fair that members should be protected as far as possible. I am not contending for any novel principle, for we have a precedent in the Electoral Act. Of course if the Government will not bring forward such an amendment as I have suggested, I

do not suppose other hon. members will take upon themselves to do what is essentially a Government duty. I throw out this suggestion, hoping it may receive consideration. Hon. members may possibly think I am interested professionally. I have been twitted about that kind of thing once or twice in this House; but, so far, I am not engaged on either side in the interesting dispute I have referred to. In another respect, also, the Constitution Act might well be amended. Notice of a motion was given the other day, by myself, to the effect that the time had arrived for the establishment of a Mines Department, separate and distinct from the Lands Department. If that resolution had been carried, an amendment of the Constitution Act would have become necessary for giving effect to it, by providing for the appointment of a sixth Minister — constitutionally appointed, I mean; not theoretically a sixth Minister. It does not follow that the gentleman who is now regarded as the sixth Minister of the Crown should fill the appointment of Minister of Mines; but I think it would be worth while to consider this question, and to avoid a possible tinkering with the Constitution Act time after time. If these three subjects which I have suggested are worthy of attention, it would be well to deal with them all in one amending Bill.

THE PREMIER (Hon. Sir J. Forrest): This Bill would have to be reserved, and the other would not.

MR. LEAKE: At any rate, I think some hon. members will agree with me that the time has arrived when the Mines branch should be separated from the Lands Department. Nobody can deny the importance of the mining industry, and it follows that the Mines branch of the Department requires a competent and far-seeing administrator; and I am sorry I cannot compliment the hon. gentleman who sits opposite either with regard to his management of the Lands Department, or the Mines branch of it. That branch requires a great deal more energy and pluck than the hon. gentleman is either capable of or is willing to give to this important subject. I hope hon. members will consider seriously the necessity for creating a separate Department of Mines, as it requires a head who has nothing else to do. With regard to the present ministerial head, how can he possibly expect to administer a Mines Department, when he positively never visits the mines?

MR. MORAN: Is the hon. member quite in order?

THE SPEAKER: I think he is in order, because he wishes to amend the Constitution Act.

MR. LEAKE: The Commissioner of Crown Lands has not thought fit to pay a visit to the goldfields which are under his charge. He has not yet been to the Murchison, and has not been further North, and he has made only one flying visit to Coolgardie. I had not the pleasure of accompanying him on that visit, and I do not know what he did or what information he gleaned; but I am certain that no Minister who has charge of the mines in the colony can do justice to them or to the colony, or to the industry he has directly in his charge, unless more attention is paid to mining than has been paid by the hon. gentleman. I trust the Government will see fit to embody in this Bill a clause for further amending the Constitution Act in this respect. It is true that if we appoint an additional Minister we shall have to vote another salary; but there is no doubt that, by efficient management, the salary of the additional Minister would be saved in a few months. I sincerely trust that, difficult as it is to induce the hon. gentleman opposite to get on his legs and reply to any criticisms passed upon him, yet the few remarks I have made will have the desired effect upon him, and that before this Bill is read a second time we shall have a few remarks —a few "murmurs," I think, is the hon. gentleman's expression—upon this subject. I shall listen to what he has to say with the greatest pleasure, and if he can show to me that I am mistaken in the conclusion which I have drawn, then I shall be very glad to admit my error. So far, we have not been favoured with any explanation, but our criticisms have been treated with silence and assumed contempt, though, personally, I much prefer to have the hon. gentleman explain himself fully and openly. If he likes, he can make a direct attack upon me, or any other member on this side; and, if he thinks fit to do so, it will add to the

interest of the debate, and, perhaps, lead to good results.

MR. MORAN: It is of particular interest, and, perhaps, to the point, to know that at the present moment, while the British Government, through their Secretary of State, are indulging in all this maudlin sentiment about niggers in this colony, the blacks in the North are causing great destruction to the live-stock of the squatters. Only to-day I was talking to a gentleman, well known, who is in the front ranks of pastoral pursuits, both here and in Queensland—I mean Mr. Durack—who told me the blacks are destroying stock almost as fast as the owners can breed them. I, for one, object to this clause in the Constitution Act, and think it is a great slur upon West Australians particularly that the clause should exist. It does not exist in the Constitution Acts of other colonies; and surely West Australian people are not more cruel or heartless than other Australian people. I think every one can accord to the Premier this compliment, that he is known all over Australia for his large-heartedness and generally humane feelings; and the very fact of his being Premier of the colony and head of the Government is quite sufficient for me, and ought to be enough assurance in the old country, that no section of humanity in this colony will be abused under his Government.

MR. CONNOR: In supporting the second reading, I must take exception to the remarks of the hon. member on the other side (Mr. Leake), in making a personal attack on the Minister of Lands and Mines, who has been doing his best in the interests of this colony. It was going outside the subject of debate to introduce mere personal matter. As to the Bill itself, there is one great argument I should advance in its favour, and that is the fact that if we are sent into this House by the people of the colony to make laws for them, and to represent them, are we not capable also of representing the aboriginal people of the colony? We are not here as enemies of the aborigines. We are here, I do not say as their brothers, but as their protectors, and to show them fair play and justice, which every British subject will render to the aborigines in this colony. I am sorry the hon. member for Albany has snapped up this occasion for introducing personal matter. Mr. Durack has been referred to by the hon. member for Yilgarn, and I can say that the Duracks in the North have been great sufferers from the ravages of the blacks. While we have to protect the blacks, we have also to protect the whites; and I think the money contribution which has been handed over to the Aborigines Protection Board, for distribution in a manner which has been very edifying, but to some extent frittering the money away, would have been better spent by bringing some of the wild natives from the North down here, as well as protecting the white settlers and relieving them from further depredations. The Premier has stated sufficient, and more than sufficient, to satisfy this House that it is necessary to pass this Bill. It is hardly our place, as West Australians, and as the representatives of the people, to be dictated to by an office and a few clerks in London, as to what we should do for the protection of the natives in this colony.

MR. TRAYLEN: Some years ago, when the colony was agitating for Responsible Government, I ventured to take the *rôle* of a prophet in relation to this question, and expressed my belief that it would be unpleasant, and lead to ill-feeling and considerable dissatisfaction, if we were singled out for something different in our Constitution from those which had been imposed on other colonies in Australia. I dare say it is an intelligible thing, in the circumstances, that as the English people had heard there were portions of Australia in which the aborigines were treated with a good deal of inhumanity, they thought they would protect the aborigines of this colony ere the power passed out of their hands. Practically they have no more protected them than would have been the case if there had been no Clause 70 in the Constitution Act of 1889; and, therefore, with a good deal of fairness and reason, we may ask the Downing Street authorities, to now consent to the repeal of this section, and to allow us to manage the whole of our affairs in our own way; and I believe, if that be the case, the natives will be treated with as much humanity as is the case now that there is a Board for protecting and helping them. I would further say that, as our revenue is growing now, and the natives can scarcely

be said to be increasing in numbers, we shall be paying a very undue proportion of our income as a colony for the purpose of supporting the aboriginal native race. That is, perhaps, not the strongest argument that could be used for the repeal of this clause; but I do think the time has arrived when we may respectfully, but at the same time firmly, approach the Downing Street authorities and ask them to consent to the repeal of that clause. I presume this Bill will pass without one dissentient voice.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): The question of the protection of the aborigines of this colony is not a new one. It is one that received consideration at the hands of hon. members before a certain hon. member who sits on the other side (Mr. Leake) had the honour of being a representative of the people of this colony. But I had the honour of being a representative of the people at that time, and I opposed Clause 70 in the Constitution Act as far as I could oppose the idea that we, the representatives of the people, were not to be trusted with the care of the natives of this country. When that Bill was under consideration, it was my pleasure to have uttered the following sentiments:—"I consider it an "insult to the people of this colony to "say they are not to be trusted even "to legislate for the natives, without "having their legislation reserved for the "review of the Home Government." Some other sentiments were expressed in that speech, but as they referred to my hon. friend on my right (Hon. H. W. Venn), who at that time was representing the views of the Government, I shall refrain from quoting them. I say now, as I said then, that it is an insult to the people of this colony to say they are not to be trusted with the management of the affairs of the aborigines of the colony. What has occurred in the past that could suggest itself to even the most bitter Exeter Hall man at home, that the people of this colony had not treated the natives as they should have been treated, or that the Government have not treated them in the most humane spirit? I believe we have done all we could for them; and I think we can be trusted in the future to do towards them the same as we have done in the past. I believe this Bill will pass the second reading unanimously, both in this and another place. The opportunity has been taken by an hon. member on the other side of the House (Mr. Leake) to make what another member has justly termed a personal attack upon me, as the member administering the Department of Lands and Mines. I do not know exactly why that hon. member, who has lately appeared on the other side of the House, should assume to himself the right to find fault with this particular department of the Government, unless he has an idea that he may be called to fill one of these positions himself. I do not know whether that expectation has anything to do with this attack. It was a suspicious circumstance that the hon. gentleman threw up a good situation in the Government of this country in order to sit on the Opposition side of the House. I do not know why he did it, but possibly he may explain. I say the hon. gentleman has no right to attack me and those who know more about this subject than he does. The public and the Press of the country have not attacked me at the present time. [MR. LEAKE: Oh, haven't they!] They have not attacked me at the present time. [MR. LEAKE: But they will.] It must be borne in mind there are two Departments in the Government which are liable and open to attack more than any other, and these Departments are the Works and the Mines, and that is because they have more to do than other Departments with the interests of the country; and would it not be strange indeed if these two Departments, important as they are, did not at times fall under the lash of public criticism? How can it be said that I, or the men in my Department, are so infallible as not, at times, to fall under the lash of public criticism? No, I do not pretend to any such perfection; but I do say that, since I have had the honour of administering the Department of Lands and Mines, I have done my best and have endeavoured to carry out the duties efficiently and satisfactorily.. The hon. gentleman (Mr. Leake) shakes his head. That is very easy. It does not cost him much. He shakes his head in the Supreme Court too, and I am afraid there are a good many of the ideas of the Supreme Court introduced into this

House—more than is desirable. The hon. member is an old friend of mine, and we are not going to quarrel over these matters; but I would remind hon. members that it is impossible for a department like mine to escape criticism — a department which has the control of the lands of the colony, and which has grown into immense importance on account of the mining development during the last few years. I think that hon. members would be only fair and just in their criticisms if they were to say that, considering what has happened in the mining community of this country, and considering what has happened at the Murchison, at Coolgardie, and at other centres of mining activity, and considering the defective Mining Act and the defective Regulations for the control of that department, the administration of this department has been no discredit to the Government or to the colony. I am quite prepared to accept any alterations that may be made in the Mining Act, and to assist hon. members in making those alterations; but, at the same time, I will not allow any hon. member to attack me in the manner which the hon. member for Albany has lately assumed the right to do, nor to find fault with the department of which I have the control, without some answer. The hon. member has not placed his finger on any one point of weakness. Let him lay his finger on something of which he complains, and show where I or my department have been at fault. The hon. gentleman knows that, when speaking as an advocate in another place, he has to lay his finger on the point. Let him do it here, and when he does so I shall be prepared to answer him. Not that I am saying there may not be such weak points, because it is impossible for a department like this to be carried on without faults occurring or without mistakes. Still, let the critics point out the mistakes, and show they have been carelessly made, or made with the idea of doing otherwise than in the best interests of the country. If they do point them out, I shall be prepared to do what I know is best in the circumstances.

MR. SIMPSON: I am sorry that so important a measure as this before the House, embodying the effort of this country to remove a stigma from its Constitution Act, should have almost degenerated into a wrangle between two hon. members. I have no sympathy with the introduction of such personal matters on so great a question as that now before the House. I have felt a particular interest in connection with this question; and, if I might suggest the idea, I would say we are getting away from a great public question, and that is whether the people of this country are fitted, whether they have the characteristics that would fit them, to take care of the aborigines of this country? The matter before the House is one of such grave importance, and as I know there is no personal animosity in this matter, I do think some more fitting opportunity might have been taken for the introduction of a matter relating to the lands and mines of the country. I take no part, either way, in connection with that question; but I presume that when the assent of Her Majesty to this Bill is sought, as it must be sought, the particulars of this debate will accompany that despatch, and therefore it is much to be regretted that matters distinctly extraneous to the Bill should have been introduced into the discussion. I do think that we, as representatives of the people, should realise that we are trying to remove a stigma from this country, and to wipe off what is practically a stain on our Constitution. I have much pleasure in supporting the Bill.

MR. ILLINGWORTH: The question involved in this Bill is one of national honour, and I am sorry that we have got any distance away from it. In dealing with this question, we have simply to look at our standing as legislators, and ask ourselves what has been the reason that we have been restricted in dealing with the aboriginal portion of the population of this colony. Surely, if the British Parliament granted a Constitution to this House which involves the lives, and the liberty, and the property, and the rights of British subjects in this colony, they ought to have given to this Parliament sufficient power to deal with the aborigines of the colony? I can only conceive that, under the somewhat peculiar influence and atmosphere of Exeter Hall, certain individuals who were associated with the granting of this Constitution were intimidated at the time, because of

reports of certain wrongs done to the natives of Australia, in this and other colonies; and perhaps, in their ignorance in reference to the aboriginal natives, had got up a sort of a morbid sentiment which is usually expressed in Exeter Hall, and were afraid to do what they conceived to be justice in granting this Constitution. I am perfectly satisfied that the statesmen who had to do with the granting of this Constitution never sincerely or earnestly believed or thought there was the slightest reason for the introduction of this clause. I am satisfied that its introduction must have been due to some outside influence of the character to which I have referred. Looking at the question as it stands, we are here asked to give away a portion of the colony's revenue to a practically irresponsible Board — in fact we have to do it—which Board possesses no knowledge and no machinery for the carrying out of its work. Suppose, for instance, we were simply to turn round on the Board and say, "Do your own work." Then the mere carrying out of the work in the effective way in which it is now carried out would cost that Board, for their own machinery, the whole sum of money which is at present at their disposal. If we are to look upon this Board as a separate and irresponsible body, distinctly existing against the will of the people, and not having the sympathy of any individual in the colony, a Board which has never been sought for or desired by any one here, but which simply stands here as a menace to our national honour and national humanity, I say we cannot be expected to find machinery for the purpose of carrying out the work of that Board free of cost, and we should be justified in asking the Board to pay for the services rendered by officers of the Government. By taking up that position, we would simply land the Board in such a difficulty that they would not be able to do the work for which they exist as a Board. What does this Clause 70 in the Act involve? It involves that we should give away a certain portion of revenue to an irresponsible Board, and then that we shall provide the machinery through which that Board shall spend the money which it is incumbent upon us to pay. If there ever was a reflection cast on the Parliament, or on the colony, it is cast upon us in this section; for though we are obliged to provide for the actual distribution of the money, yet, forsooth, the very accounts cannot be audited by our own Auditor General. I do not think it is at all necessary for me or any member to speak at length upon this question, for the purpose of convincing any member in this House or any person in this colony as to the justice or the righteousness of the Bill which has been brought in; but I do think it is necessary that hon. members should give free expression to their opinions while this Bill is before the House. I do not speak in order to convince; that is unnecessary, for we all agreed, and if the Bill had been voted upon at once when brought in, the vote would have been unanimous. Never were documents more unsatisfactory presented to any free British Parliament, than those which have been referred to by the Premier; and never were questions more distinctly asked. Why, in the olden times less than this would have brought about separation; in fact, documents such as this tended very largely to bring about the separation of America from the British Crown. I hope we have more sense than to allow them to interfere now; but the way in which the proper representations of the Parliament and Government of this country have been treated by the Secretary of State is a thing that ought to be protested against. I hope this Bill will pass unanimously in this House and elsewhere, so that we may have a distinct declaration of the feeling of the people of this country that we have a perfect right to control the natives of the country; and, beyond that, there is in the heart of every man and woman in this colony as much sense of righteousness, and kindliness, and generosity of principles towards the natives of this country as in the heart of any man or woman who lives in Great Britain, and we are just as much prepared to do justly and rightly by these natives as are any people in England. Further, I say we are doing, and propose to do, as much for the natives of this country as the people around Exeter Hall are doing for the waifs of their own city; and I think that if those people in England who pay so much attention to the aboriginal natives here would do a little more

to ameliorate the evils existing around them in England, they would be more profitably engaged than in concerning themselves so much about the Constitution of Western Australia.

MR. RICHARDSON: As representing a Northern district in which a large number of the natives are regularly employed, I will say a few words on this Bill. The hon. member for Nannine struck the key-note of the position when he said, in effect, that those who live in glass houses should not throw stones; and, perhaps, if the British people were more concerned about the condition of their own destitute poor, the aborigines of London, it would be more to the point of the question. If they could show as good a result in that work as we have here, they would not have to confess, to their shame, the continued existence of such a neglected class as we know do exist in the poorer parts of London, and whose condition is much more pitiable than anything which may be observed about our own aborigines. Whatever may have been the opinion of those in authority in England who introduced this element in our Constitution Act, and whatever may have been their opinion of our capacity or willingness to treat these aborigines justly, I think we may return the compliment and say their capacity for apprehending the just requirements of our Constitution Act is more against them than against us. The very kernel of this protecting clause was to ensure the protection of the natives against a repetition of acts of injustice which we, rightly or wrongly, were reported to have practised towards them. What does that mean? I take it that when any wrong or injustice is done, the machinery of the law would be set in force to right that wrong. I would ask, what machinery have the Aborigines Protection Board for setting right any wrong? They have no police force, or any legal machinery; and I say they are absolutely dependent on the very authorities which those who inserted Clause 70 in our Act so much mistrusted, for carrying out the purposes for which the clause was inserted. I do not think it was even alleged, as an accusation against us, that we did not give to the old and infirm natives a little flour and some blankets when required. The sum of the whole matter was that those persons in England were not quite sure there were not acts of wrong and injustice perpetrated against the natives of this colony; and they were rather afraid that, out in the wilds of this colony, certain irregularities might occur. But in order to right these wrongs, when they do occur, the arm of the law is necessary—powers of arrest, of trial, and so on, are necessary, to bring the culprits to justice; yet it is manifest that, inasmuch as the Board which was created under Section 70 of the Act have no machinery and no powers to carry out that purpose, the whole thing is effete if left to itself, and the Board are incompetent to fulfil the chief purpose of their appointment. On the grounds of common sense and capacity, we have a right to require that this blot in our Constitution shall be removed; and I am sure that when those in authority in England have the matter placed before them in a proper light, and if they have sufficient patience to read the report of this debate, they will see that it is necessary this cause of difference should be mended or ended.

MR. RANDELL: I rise to support the Bill. I have already voted for the abolition of the Board, believing it is an anomaly in our Constitution, and that we ought to get rid of it at the earliest moment. At the same time, I am desirous of approaching this subject without any excited feeling; and we want the careful consideration of the Secretary of State, so that he may recommend Her Majesty to approve of the passing of this Bill. We all know that the aborigines of the colony will be and must be treated kindly by this or any Government in this country; and it does not require any expression of opinion in this House to secure that. There may be a feeling in England that requires to be assured that nothing like oppression or injustice will be put upon aboriginal races over which Englishmen are ruling. I most heartily agree with the Bill, and I can scarcely understand the reasons for the Secretary of State refusing to grant the almost unanimous request of the Parliament of this country. I do hope the result of the passing of this Bill will be to ensure the careful reconsideration of the question in England, and that we shall attain the object we are seeking. If not, we ought to persevere until we do attain it. Section

70 in the Act is a slur on our character, to a certain extent. It is known to every hon. member, and to every person in the colony, that we submitted to this indignity, which to a certain extent it is, because we were anxious to secure Responsible Government at a time when this question seemed to block the way; and no doubt we obtained our new Constitution twelve months earlier than we could have done if we had not submitted to the insertion of this clause. The present Attorney General was very strongly opposed to it, but the majority of the Legislative Council at that time were willing to submit to it for the purpose of securing the new Constitution. I heartily support the passing of this Bill.

MR. WOOD: I rise to support the second reading of the Bill. Agreeing with a great deal that has been said, I content myself with simply saying that I support the Bill.

THE SPEAKER: I find there is an absolute majority of the House present, and I will now put the question.

Question put and passed, there being no dissentient voices.

Bill read a second time.

IN COMMITTEE.

MR. LEAKE asked whether the Government would accept the suggestion he had previously made, for embodying in this Bill a further amendment of the Act, or whether a separate Bill for that purpose should be brought in?

THE PREMIER (Hon. Sir J. Forrest) said he would advise that the repeal of Section 70 of the Act should not be mixed up with any other question, as the present Bill, if passed, would necessarily be reserved for the consideration of Her Majesty.

MR. LEAKE said he would accept the Premier's suggestion, and would not move an addition to the Bill in committee.

The clauses were then passed without comment.

Preamble:

Agreed to.

Title:

Agreed to.

Bill reported without amendment.

Report adopted.

STANDING ORDERS SUSPENDED—THIRD READING.

The Standing Orders having been suspended, the Bill was read a third time.

Ordered—That the Bill be transmitted by Message to the Legislative Council, and their concurrence desired therein.

ADJOURNMENT.

The House adjourned at 9·35 o'clock, p.m.

Legislative Assembly,

Monday, 10th September, 1894.

Jarrah for Paving Purposes—Repair of Pensioners' Barracks, Perth—Advertising Penalties under Bush Fires Act—Leasing Lands on Goldfields Townsites: adjourned debate—Agricultural Bank Bill: adjourned debate, second reading—Registration of Births, Deaths, and Marriages Bill: in committee—Adjournment.

The SPEAKER took the chair at 7·30 p.m.

PRAYERS.

USE OF JARRAH FOR STREET PAVING PURPOSES.

MR. PATERSON, in accordance with notice, asked the Premier,—

1. Whether his attention had been drawn to the fact that the New Zealand Government had taken special steps to introduce their red birch timber in London for street paving?

2. Whether he proposed to take similar action with a view to emphasising the superior value of W.A. jarrah timber for that purpose?

THE PREMIER (Hon. Sir J. Forrest) replied that the attention of the Government had not been directed to this question, except in so far as a paragraph which appeared in the local Press. The