

Legislative Assembly,

Tuesday, 3rd September, 1895.

Railway extension to Kalgoorlie—Proposed new Hotel in St. George's Terrace—Leave of Absence to the member for Pilbarra—Married Women's Property Bill: third reading—Crown Suits Bill; further considered in Committee—Sale of Goods Bill; in Committee—Associations Incorporation Bill; in Committee—Estimates, 1895-96; further considered in committee—Message: Resignation of Member of the Federal Council—Message: Resignation of Sir W. C. F. Robinson as Governor of Western Australia—Goldfields Bill; further considered in Committee—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.
PRAYERS.

RAILWAY EXTENSION TO KALGOORLIE.

MR. ILLINGWORTH: I should like, with the leave of the House, to ask the Premier whether his attention has been drawn to a statement alleged to have been made at Coolgardie, by the hon. member for West Kimberley, (Mr. A. Forrest), with regard to the proposed extension of the railway from Coolgardie to Kalgoorlie, and whether that statement is correct or authorised?

THE PREMIER (Hon. Sir J. Forrest): The statement is a newspaper one, contained in a telegram, and, no doubt, when we get the exact details it will be in a different or modified form. I think, however, there is no doubt that the railway will have to be carried on to Kalgoorlie.

MR. ILLINGWORTH: The hon. member for West Kimberley said that the Government proposed introducing a Bill this Session for the construction of this railway.

THE PREMIER (Hon. Sir J. Forrest): Did he? I do not think the House can take for granted everything that appears in a newspaper telegram. I know the Government have not yet absolutely decided upon the course they will pursue, but, no doubt, as I have already said, the railway will have to be extended to Kalgoorlie.

PROPOSED NEW HOTEL IN ST. GEORGE'S TERRACE.

MR. ILLINGWORTH: If I am not intruding too much, I should also like to ask the Attorney-General, without notice, whether his attention has been drawn to the fact that an

application has been made for a publican's license, in respect of a piece of land in St. George's Terrace, immediately facing Government House, and apparently belonging to a syndicate; and whether it is his intention to take any steps in regard thereto?

THE ATTORNEY-GENERAL (Hon. S. Burt): I have seen, in the newspapers, that such an application has been made. I understand the proposed building is to be a first class hotel, containing two or three hundred rooms; and, I think the object of the promoters is a very laudable one, no matter whom the property belongs to; and, so far as I am concerned, I do not intend to interfere in any way in the matter.

LEAVE OF ABSENCE.

On the motion of MR. ILLINGWORTH, leave of absence for a fortnight was granted to the hon. member for Pilbarra (Mr. Keep).

MARRIED WOMEN'S PROPERTY BILL.

Read a third time.

Ordered—That a message be transmitted to the Legislative Council, informing them that the Assembly had agreed to the Bill without amendment.

CROWN SUITS BILL.

IN COMMITTEE.

'This Bill was further considered in committee.

Part II.—Recovery of Debts and Property by the Crown:

Clauses 8 to 31, inclusive:

Put and passed.

Clause 32—Payment of damages by the Crown:

SIR J. G. LEE-STEERE pointed out that this clause provided, that, in the event of a judgment being obtained against the Crown, the Governor may cause the damages to be paid out of any moneys specially appropriated to the purpose by the "Legislative Assembly." He thought it would be advisable to insert "Parliament" instead of the Legislative Assembly, inasmuch as the Assembly itself, without the concurrence of the other House, could not appropriate any money. He had noticed that, both in England and in the other colonies, when an Act provided for the appropriation of public money for any purpose, the appropriation was made by "Parliament," and not by the "Legislative Assembly"; and

he thought it would be advisable to adopt the same phraseology here.

THE ATTORNEY-GENERAL (Hon. S. Burt) said there could be no objection to the proposed amendment. Perhaps, in drafting the Bill, he had been too keen in his desire to maintain the privileges of the Assembly. He moved that the words "Legislative Assembly" be struck out, and the word "Parliament" inserted in lieu thereof.

Amendment put and passed.

Clauses as amended, agreed to.

Clauses 33 and 34:

Put and passed.

Clause 35—What claims come within this Act (breaches of contracts and torts):

MR. RANDELL said he would like the Attorney-General to give the committee some information as to the effect of this clause, which he (Mr. Randell) did not quite understand. He had obtained some little light on the subject from the hon. and learned member for East Perth, but he did not fully understand the meaning of the clause, and perhaps other members were in the same position as himself, particularly with regard to the kind of claims or actions which come within the meaning of the Act, such as actions for "tort," which was a purely legal term.

THE ATTORNEY-GENERAL (Hon. S. Burt) thought he had explained all this on the second reading. The causes of action mentioned in this clause were breaches of contract and torts. Under this Bill, in all cases of contract between any person and the Crown, the party suing the Government could do so, without petitioning for the right to bring an action, as he had to do now. The action could be brought without the permission (so to speak) of the Crown, or a fiat from the Government, just in the same way as any action between subject and subject. At present actions against the Government were commenced by a petition of right, which the Crown had the privilege of granting, or of refusing if they thought there was no cause of action. But, under this Bill, a person could sue the Government without petitioning, in respect of all cases of breach of contract, or of tort—that was to say, of wrong, or damage, or injuries sustained in connection with any public work carried on by the Government. In England, you could only sue the Crown for a breach of contract; you could not sue them for damage, or wrong, or injury, or (as lawyers said) for tort. There was good reason for that

limitation in England, as to the Crown's liability, because the Government there did not engage with contractors to carry on public works, like we do here, and there were very few cases in which wrong, in that respect, could be done by the Crown in England. But, here, in these colonies, where the Government carried on public works of all kinds—undertook the working of the railways, for instance—he thought it was only right and proper that the Government should be liable for wrongs or torts, though the Crown, in England, was not so liable. This clause, however, limited the cause of such actions to wrongs suffered in connection with public works carried on or constructed by the Government, such as a railway, tramway, road, bridge, electric telegraph or telephone, or works of a like nature. He thought the committee would see that it was necessary to limit the causes of action in such cases brought against the Crown. For instance, it might be said—though he did not for a moment admit that it could be so said or argued with any effect or result at all—but it might be said, and, in fact, it had already been said and claimed, that if a Government pilot, in charge of a ship, should, unfortunately, through an error of judgment, run the ship aground, the Government would be liable for the act of its servant. They wished to limit the responsibilities of the Crown in that and other respects, and, for that reason they proposed in this Bill, while giving the public the right to sue the Crown for breaches of contract or for tort, to limit this right to wrongs or damages suffered in connection with public works. For instance, if the Director of Public Works put up a building and left the scaffolding poles in the street, upsetting a passing cab and injuring a passenger, the Director or the Government would be liable. All injuries of that description would come under this section, as well as breaches of contract. He thought the Bill was a liberal one, as against the Crown, though nothing more so than it should be. In his opinion it was nothing more nor nothing less than it ought to be.

SIR J. G. LEE-STEELE, for the same reason as already explained, moved, as an amendment, that the words "Legislative Assembly," in this clause, be struck out, and the word "Parliament" inserted in lieu thereof.

Amendment put and passed.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved, as a further amend-

ment, that the following sub-clause be added to the clause — "No action shall lie against the Commissioner of Railways under the Railways Act, 1878, or any amendment thereof, in respect of any claim or demand, unless the same be founded upon or arises out of some one of the causes of action before mentioned in this section, and subject to the provisions of the next following section." The hon. and learned member explained that, under the Railways Act, 1878, it might possibly be contended that a greater remedy existed against the Crown than was provided in the present Bill, and this new clause was intended to protect the Crown against such a contention. This clause limited the remedy, whereas it might be contended that under the Railways Act it was unlimited. The clause did not in any way affect the liability of the Commissioner of Railways, as a common carrier; it only limited the causes of action; and another new clause which he proposed to introduce limited the amount of damages recoverable to £1,000.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 36, 37, and 38:

Put and passed.

New Clause:

THE ATTORNEY-GENERAL (Hon. S. Burt) moved that the following new clause be added to the Bill:—"No person or the representatives or relatives of any deceased person shall be entitled to sue for or recover from the Crown, or any Minister or officer of the Crown, any sum of money exceeding one thousand pounds, for or by reason of any personal injury sustained by such person, whether arising from negligence, breach of contract to carry, or otherwise." He said a provision of the same nature had been on the Statute Book in South Australia for some years, and such a proposal was also formerly made in this House. He had opposed it himself on that occasion; but, having since seen the matter in a different light, he now proposed the clause from the Government benches. In those days he was suing the Government on behalf of a client, and might have viewed the question differently on that account; but now he was defending the Government as a client. In the case of an accident on the Government railway, when the claims made by representatives of deceased persons were placed before a jury in the Supreme Court, the revenue of the colony was

very liable to suffer a deficit. He believed that claims made in such cases, in Victoria, had almost ruined the finances of that colony, by the large damages which juries had awarded to claimants an account of railway accidents. In fact, such actions were always going on, both in Victoria and New South Wales, and many thousands of pounds had been awarded to claimants against the Government. His own opinion was that too much money was awarded, upon such claims, in nearly every case. This Bill proposed to limit the liability of the Government, in the case of a person killed or injured, to £1,000. Hon. members might have various opinions as to this maximum. Seeing that everything that was practicable, was done on the Government railways in this colony, to ensure the safety of passengers travelling on them, and remembering that it was impossible to always provide effectually against accidents which could not be foreseen—such as the breaking of an axle, or the giving way of some part of a locomotive engine, which no precaution could provide against—it appeared to him unreasonable that the country should be mulcted by a jury awarding thousands and thousands of pounds damages against the Government which owned the particular railway. Therefore, it was thought that the liability in such cases should be limited, as it was in South Australia, where a law to this effect had worked very well. One thousand pounds, as a limit, was a large sum. The Government now submitted this provision in the new clause, for the consideration of the committee.

MR. WOOD said it was hardly fair to limit the liability of the Government to £1,000, because, in the case of severe personal injury or death resulting from a railway accident, such a sum would not go very far towards compensating, in some cases, for a life lost in such an accident; and he was afraid the tendency of this limitation of the liability would be to limit the care of the Railway Department in looking after the safety of the travelling public. Many a life was worth a great deal more than £1,000 to the bereaved family, or worth perhaps more to the country.

MR. JAMES supported the new clause as being a very useful and just provision indeed. The fares charged for travelling on the Government railways were made as low as possible; and were so made, not with the view of assisting the wealthy passenger or the mil-

lionaire, but for the ordinary passenger, and particularly those who travelled second-class, at the lowest rate. He did not see why a millionaire who happened to be travelling on a Government railway should be entitled, in the case of personal injury in an accident, to recover say £20,000 or £30,000, while the fare he had paid for travelling might be less than the fare paid by an ordinary passenger in the same train. The average value of the life of a passenger on the railways in this colony could not be said to be as much as £1,000; indeed that average would be far too high; and he (Mr. James) felt certain that, as to the majority of passengers, if claims for fatal injury were made by their representatives, the juries would not award so high an average as £1,000. If some lives were so exceptionally valuable as the member for West Perth had suggested, then such persons should take the precaution to insure their lives; and the tendency of this new clause would be to compel them to do so. In the case of persons receiving large salaries or large earnings, some part should go to insuring their lives or insuring against injury by accidents. He did not think it was right for the Government to recognise any distinction of persons travelling on railways, so far as their rank or trade was concerned; but all passengers should be carried on the same level, irrespective of the rank or trade of individuals. The hon. member for the Gascoyne had interjected a remark that some persons could not insure their lives; but all could insure against accidents, anyhow. He (Mr. James) did not see why people should neglect the insurance of their lives, and expect the Government to bear the whole burden of paying, when sued, damages to the amount, of perhaps, £10,000, for the loss of a particular life in a railway accident.

MR. R. F. SHOLL asked what was the general rule in the other colonies. This colony should not always copy South Australia.

THE ATTORNEY-GENERAL (Hon. S. Burt) said it should be remembered that people in all parts of this colony were calling out for railways to be made or extended; and now that railways had become a general necessity, the fare for carrying people on the railways had to be made extremely low. This being so, it was out of all keeping that if some passenger—a solicitor, for instance—happened to be killed in an accident, and a railway ticket, which might have cost ninepence, were

found in his pocket, upon that small payment, as a ground of action, his relatives might claim from the Government £10,000, because they had been carrying him as a passenger.

New clause put and passed.

Schedules:

Put and passed.

Preamble and title:

Put and passed.

Bill reported, with amendments.

SALE OF GOODS BILL.

IN COMMITTEE.

On the motion of MR. JAMES, the House resolved itself into committee for the consideration of the above Bill.

Clauses 1 to 15, inclusive:

Put and passed.

Clause 16—"Goods must be ascertained":

MR. RANDELL asked for an explanation of what was meant by "unascertained goods."

MR. JAMES said the words related to goods not made or existing, or not specified, at the time of making a contract; and such goods were unascertained because not existing at the time or not ear-marked.

THE ATTORNEY-GENERAL (Hon. S. Burt) instanced a contract relating to say 100 bushels of corn not grown at the time the contract was made.

Clause put and passed.

Clause 17—"Property passes when intended to pass":

Verbally amended, at the suggestion of the Attorney-General.

Put and passed.

Clause 18—"Rules for ascertaining intention of the parties":

MR. RANDELL asked what was meant by goods being in a "deliverable state."

MR. JAMES said the words "deliverable state" might be explained by referring to goods that were not in a state ready to be delivered when the contract was entered into, such as goods that had not been made at the time, or a crop not yet grown, or goods not specifically ear-marked.

Clause put and passed.

Clause 19—"Reservation of right of disposal":

MR. RANDELL did not think the clause provided sufficient protection for the seller. He would like to know whether the seller was protected more fully under some other clause, as, under this, he might be at the mercy of

the carrier or the buyer more than he should be.

MR. JAMES: Section 20 provides for that, and gives all the protection possible.

Clause agreed to.

Clauses 20 to 24:

Put and passed.

Clause 25—"Seller or buyer in possession after sale":

THE ATTORNEY-GENERAL (Hon. S. Burt) pointed out there was an alteration in the terms used in this clause. The words "mercantile agent" had a certain meaning in the Factories Act, and he wondered if there was any reason for its being altered here.

MR. JAMES replied that there was a definition of the term given. He had thought it best to take the term as used in the Factories Act, and supply the same definition as was given in the English Act. The words were the same as those used in the English Act.

Clause agreed to.

Clause 26—"Effect of writs of execution."

THE ATTORNEY-GENERAL (Hon. S. Burt) drew attention to the appearance of the words "writ or warrant." Warrants were not delivered to the Sheriff for execution, and the words "or warrant" appeared to have been inserted in error.

MR. JAMES said that was so. The section was at first framed on the law of South Australia, but he afterwards thought it better to follow the English wording, and consequently intended to have struck the words "or warrant" out of the section wherever they appeared. He now moved that the section be amended in this respect, by striking out the words "or warrant."

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 27, 28, and 29:

Put and passed.

Clause 30—"Delivery of wrong quantity:"

THE ATTORNEY-GENERAL (Hon. S. Burt) referred to sub-section 3, which provided that where the seller delivered to the buyer the goods he contracted to sell, mixed with goods of a different description or quality not included in the contract, the buyer might accept such of the goods as were in accordance with the contract, and reject the rest. He believed the words "or quality," introduced into this sub-section, did not appear in the English Act, and he should like to know what was the reason they were used here.

MR. JAMES replied that these words appeared in consequence of the same error as the words just struck out had appeared in a preceding section; and he moved, as an amendment, that the words "or quality" be struck out.

Amendment put and passed.

MR. RANDELL did not see how the ordinary seller was protected by this or any preceding section. It did not compel a buyer, in case of his refusing delivery, to return the goods, or place them under cover if they were perishable. The same thing applied to the carrier, and there was no provision for the protection of the seller. He did not know if Section 36 applied to this case.

MR. JAMES explained that the common law on the subject was left as at present. The buyer had to accept whatever responsibility rested upon him under the contract.

MR. RANDELL: But is the buyer not compelled to protect the goods when he notifies a refusal to accept delivery?

MR. JAMES: He is not bound to do that. It depends upon his contract.

Clause, as amended, agreed to.

Clauses 31 and 32:

Put and passed.

Clause 33—"Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed upon, take any risk of deterioration in the goods necessarily incident to the cost of transit":

MR. RANDELL wondered how a seller would be affected, if there was an error in delivery of the goods, and the buyer received them too late. Would the buyer take the risk as from when the goods were given to the carrier?

MR. JAMES said the object of the clause was to compel a buyer to look after the delivery of goods after they had been given to a carrier, if the goods had to be dispatched by the seller. If goods were bought in Perth for delivery, say in York, and such goods were of a perishable nature known to the buyer, and were likely to deteriorate on the trip, the buyer would have to accept any risk of such deterioration.

Clause agreed to.

Clauses 34 and 35:

Put and passed.

Clause 36—"Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to

do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them":

THE ATTORNEY-GENERAL (Hon. S. Burt) asked if this applied to newspapers left at one's residence without being ordered.

MR. JAMES said the clause could only deal with existing contracts, and the goods referred to would not be obtained under contract if they were not ordered.

MR. WOOD thought the clause might act rather harshly upon a storekeeper. A person might buy goods for delivery at York, and then refuse to take them.

MR. JAMES pointed out that a buyer could only do this, if the right to do so was given him under his contract.

Clause agreed to.

Clauses 37 to 58:

Put and passed.

Clause 58—"Rules in bankruptcy relating to contracts of sale shall continue to apply thereto; also the rules of the common law, including the law merchant, save in so far as they are inconsistent with this Act."

MR. RANDALL asked for an explanation of the term "law merchant."

MR. JAMES said that speaking generally "law merchant" related to the law governing commercial transactions between merchants. It was a well known English term, which had been incorporated into statutes dealing with bills of exchange, and similar measures.

Clause agreed to.

Clause 60—"Interpretation of terms":

MR. RANDALL desired to know the meaning of the words "industrial growing crops."

MR. JAMES said the words referred to cereal, root, or other cultivated crops, which could be removed under certain conditions.

THE ATTORNEY-GENERAL (Hon. S. Burt) defined an "industrial growing crop" to be one that was grown periodically as the fruits of industry, such as a crop of wheat. The words in the section were evidently intended to protect a crop, so that it could be taken off by the proper owners, and to distinguish such a crop from the pasturage of meadow lands, which grew without being planted, at regular seasons.

Clause agreed to, and remaining clauses put and passed.

Schedule:

Put and passed.

Preamble and title:

Put and passed.

Bill reported, with amendments.

ASSOCIATIONS INCORPORATION BILL.

IN COMMITTEE.

On the motion of MR. RANDALL, the House went into committee upon this Bill.

Clauses 1 to 5:

Put and passed.

Clause 6—"Effect of incorporation":

THE ATTORNEY-GENERAL (Hon. S. Burt) pointed out that the clause gave an association or trust the power to sell, mortgage, or dispose of real and personal estate as fully and effectually as an individual owner could do. The Crown had made free grants of land to many charitable and other trust, and he wished to provide that these grants should not be sold without the permission of the Government being obtained. It was not clear that the Bill was intended to apply to religious bodies, but it would apply to Mechanics' Institutes and other associations mentioned in the incorporation clause; and it was only right that the Crown, which had made free gifts for the public benefit, should have some right to say whether those gifts should be transferred from the trusts or not. He would therefore move, as an amendment, that the following proviso be added to subsection 4:—"Provided that no lands granted to the Association by the Crown before or after the passing of this Act, without pecuniary consideration therefor, shall be sold, mortgaged, or leased for a period exceeding twenty-one years, without the consent, in writing, of the Governor-in-Council, to be endorsed upon the deed of assurance in such sale, or mortgage, or lease."

MR. RANDALL said he had no objection to the proviso, but it struck him that the clause might be evaded by an association making a very small payment for a piece of land instead of accepting it from the Crown as a free gift.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the proviso would only apply to tree gifts. If an association purchased land it was outside the purview of the section. The land must have been granted without pecuniary consideration on the part of the Crown.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 7, 8, and 9:

Put and passed.

Clause 10—"Vesting of real and personal estate":

THE ATTORNEY - GENERAL (Hon. S. Burt) observed that in all Bills of Incorporation, such, for example, as those which had been obtained by the Church of England, and the Wesleyan body, there had been made provision that when the property was vested in a new body of trustees or corporation it should be so vested subject to any trust existing for the time being. As the clause stood, it might have the effect of doing away with the title to some of the property that was now held in trust. The point was a technical one, but to remedy the defect he would move that the following sub-clause be added to the clause:—“(2) Such real or personal property shall be ‘so vested in the corporation, subject to all ‘trusts, covenants, contracts, and liabilities ‘affecting the same.’”

Amendment put and passed.

Clause, as amended, agreed to.

The remaining clauses were adopted *sub silentio*.

Schedules:

Put and passed.

On the preamble being put,—

MR. JAMES said he was in favor of applying to incorporated bodies in this Bill the provision of the Municipalities Act requiring contracts to be under seal, and he was prepared to move a new clause to that effect.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the trusts to which the Bill related were not trading bodies having contracts involving the expenditure of money, like Municipal Councils; but he had no objection to the proposed new clause.

MR. JAMES then moved a new clause as follows:

“Contracts on behalf of any Incorporated Association 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 Association, in writing, under the seal of the Association.

(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 Association in writing, signed by any person acting under the express or implied authority of the Association.

(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 Association, by any person acting under the express or implied authority of the Association.

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

Clause put and passed.

Preamble and title:

Put and passed.

Bill reported, with amendments.

ESTIMATES, 1895-6.

The House went into committee for the further consideration of the Estimates.

Postal and Telegraph, £119,415 3s.—debate resumed. Item—“Telegraph Engineer and Chief Electrician, £500”:

MR. GEORGE said he understood when progress was reported at the previous sitting that hon. members were speaking generally on this vote.

THE CHAIRMAN said that progress was reported on the item specified.

MR. GEORGE said he did not understand that that was so.

MR. LEAKE, referring to the item under debate, said that in addition to the proposed vote of £500 a year for a Telegraph Engineer and Chief Electrician, there was an item in the Estimates of the Works Department which proposed £350 a year for the Government Electrician and Electrical Engineer. He wished to know what was the difference between the two appointments.

THE PREMIER (Hon. Sir J. Forrest) said that although the item had been placed on the Estimates, he was not sure that the officer would be appointed. The Minister controlling the Department had asked that provision should be made for an officer of that description, so as to give him power to appoint him should the circumstances justify him in obtaining someone specially experienced in telegraphic work. There were already two very efficient officers in the Department,—Mr. Snook and Mr. Stevens; and, although the appointment of another officer was recommended by Mr. Jenvey, the Victorian expert, the Minister would in all probability be able

to do without the extra assistance. No appointment had been made, nor was it contemplated to make one at present.

MR. GEORGE said the committee should be furnished with Mr. Jenvey's report. It was somewhat premature on the part of the Government to follow the recommendation of that gentleman, before assuring themselves that there was not in the Department an officer capable of fulfilling the duties of the position. The gentleman who previously held the position of Chief Electrician of the 'Telegraph Department had received twelve months' leave of absence, and since his departure another officer had been placed in charge. Since then the department, which managed both the telegraphs and telephones, had been improving, and had given general satisfaction. In the face of that, the Government were not justified in introducing another gentleman into that office, when there were officers equally as competent in the department.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) said that, of all the professions existent, a professional electrician should be up to date, and he believed that the Minister, when he recommended the appointment in question, felt that it was desirable to obtain a gentleman from England, who was thoroughly versed in the latest improvements in the science of electricity. Those who had never been out of the colony were not in possession of that knowledge, and, recognising that, it was thought desirable to obtain the services of a gentleman who possessed the qualifications referred to. It was highly desirable that men who were thoroughly competent and efficient, both in the theory and the practice of the science, should be placed in these responsible positions.

MR. GEORGE said that if it were absolutely necessary to have men who had travelled, to fill this post, the officer who had been replaced while on leave of absence should be re-appointed. He did not think it was absolutely necessary that a man should travel all over the world to acquire an extended knowledge of any science. If the Government service was to be worth anything at all, and if the officers were to be encouraged in any way, they should not be given the slightest idea that there was a chance of a man being placed over them simply because he was a professional or because he had travelled about. He would like to see the item struck out.

MR. LEAKE asked if the same gentleman could do the work of the two departments—the Telegraph Department and the Works Department.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) said there were men and men. Some were scientifically qualified to do the work required of them, and others were able to administer the department in a departmental sense only. The gentleman who had been appointed Government Electrician in the Works Department would not be accepted by the Telegraph Department, and it was a fact that the latter department (with which this officer was formerly connected) had refused to continue his services. He (Mr. Venn) had his own strong opinion on the matter. It was probably owing to the fact that the gentleman in question was not a success as a departmental officer, that the Telegraph Department desired to have another man in the position.

MR. R. F. SHOLL said that, in view of the rapidly increasing importance of the Telegraph Department, the item should be passed, especially as the Government did not intend to make the appointment if it were not found absolutely necessary to do so.

MR. WOOD said it was absurd to appoint another Electrician when there was already a competent officer in the service.

MR. SIMPSON: Who is the Government Electrician?

MR. WOOD said Mr. Hancock was. Differences of opinion between the heads of departments should not be allowed to prejudice the claims of an officer. The Government should step in and settle any dispute which existed between the head of the department and the Government Electrician. In any case, the country should not be saddled with the expense of another officer at £500 a year simply because of a disagreement between one official and another.

MR. JAMES hoped that two officers would not be appointed when one could do the work. He had often wondered what the Government Electrician had to do, beyond looking after the telephones. He believed there were differences of opinion as to the capabilities of the present Government Electrician when he was Superintendent of Telegraphs, and the public had had some experience of the manner in which that department was managed by the officer in question.

MR. MARMION said he was of opinion that the services of two first-class men to fulfil the

duties of this office were not required, and, if the present occupant of the position was not competent, the Government should secure a man who was. He had gathered from the debate that, for some reason or other, the gentleman who now held a certain appointment in the Works Department had (to use a railway expression) been "shunted" from another department of the service. What the reason for this was, he was not prepared to say; but it seemed to him that the country should not be called upon to pay an extra £500 for another officer, because of some particular idiosyncrasy on the part of one particular officer or another.

At 6.30 p.m. the Chairman left the chair.

At 7.30 p.m. the Chairman resumed the chair.

MR. ILLINGWORTH, referring to the item under discussion, asked whether a report had been furnished by the expert who was lately obtained from another colony for reporting on this branch of the Postal Department.

THE PREMIER (Hon. Sir J. Forrest) said a report was furnished by the expert who was lent for a time by the Victorian Government. It was on the expert's recommendation that this item of £500 was put on the Estimates, but, as already said, no appointment had yet been made, and the Minister in charge of the Department had informed him that day, that it was possible he would not at present go further in the matter, but desired that the House should be asked to pass the item as one which might be required during the year.

MR. ILLINGWORTH said this item was an anomaly, for either the officer who formerly acted as Chief Electrician had been removed into the Works Department because he was inefficient, and, if not efficient in the one department, he was not fit to be placed in another department; or if the officer was efficient he ought not to have been removed for the purpose of a new officer being appointed to the position. Were two men really required for these duties? The officer, if inefficient, should have been discharged, and not have been shunted into another department. This item needed some further explanation. An inefficient man should not be retained, but really capable servants should be paid well. What were the real duties which the new officer, when appointed, would have to perform?

THE PREMIER (Hon. Sir J. Forrest) said again he was not particularly desirous of hav-

ing this item passed. The Minister at the head of the department was almost certain he would not appoint a new officer to this position. There was a Superintendent of Telegraphs and Telephones, prior to the last Estimates being passed, but the Postmaster-General was not satisfied with the manner in which some of the duties were discharged, particularly those of an administrative and business character. This officer controlled the telegraph and telephones, but appeared better fitted for the scientific rather than the business portion of the duties; and hence the dissatisfaction and complaints, which caused considerable friction between this officer and the Postmaster-General. When that friction was first brought under his (the Premier's) notice, while in charge of the department for a time, he was inclined to take the part of the Superintendent of Telegraphs; but in the end he (the Premier) became convinced that the Postmaster-General was in the right, and that the officer was not suitable for the position. He told the officer that a removal would be necessary. At that time the officer applied for leave of absence, to which he was entitled, and asked that any re-arrangement should not be made until he returned to duty. To that request he (the Premier) consented. The next officer, Mr. Snook, was appointed to carry on the duties temporarily, and, after he began to act, all the cause of complaint on the part of the Postmaster-General ceased. The Postmaster-General, in a written memorandum, had stated his high opinion of Mr. Snook's efficiency and splendid business capacity, as shown especially during the unprecedented increase of the work in the department during the last two years. The Superintendent having returned after a year's absence on leave, he (the Premier) informed him that the Postmaster-General did not wish him to return to the same position as before. The officer was then appointed to another position, that of Electrical Engineer and Government Electrician. The reason why he was appointed to that post was that he had scientific knowledge, and the Government required such an officer to advise in reference to the electric light and other electric matters connected with the Government works throughout the colony. This officer now superintended and prepared the indents for all telegraph material and instruments ordered through the Works Department; he was also inspector of boilers, and perhaps had other duties. If the

other officer (referred to in Item 65) were to be also appointed, he would probably be able to perform the duties of both positions. He (the Premier) hoped and believed it would not at present be necessary to appoint this new officer, seeing there was a good officer already in the service; and he did not know of any other officer who had the same knowledge as this one, in electrical matters, and he had certainly had special opportunities of gaining such knowledge.

MR. CLARKSON said that if the Government acted wisely they would allow this item to be struck out. He believed it would be rejected on a division. Competent men should have good salaries, but it should hardly be necessary to employ two highly paid officers for doing the work of one. He moved that Item 65 be struck out.

MR. RANDELL asked whether the present officer was the person who was named in Item 57 of the Harbor and Light vote, namely, "Inspector of Boilers and Engines under Boat Licensing Act, £150."

THE CHAIRMAN said one referred to Mr. Hancock, with whom the committee were not now dealing.

MR. MARMION warned the Government, and particularly the Minister in charge of telegraphs, that in engaging the services of a scientific man they could not always expect him to be also a good business man and an expert administrator. Indeed the scientific officer should be expected to act purely in his scientific capacity, while the business management should be entrusted to one trained in such duties. The two things were essentially different. There might be great difficulty, even at a salary of £500 a year, in obtaining an officer competent to discharge both sets of duties in a satisfactory manner.

THE PREMIER (Hon. Sir J. Forrest) said that, after the remarks made, he was quite willing to strike out the item.

Motion put and passed, and the item struck out.

MR. GEORGE, referring to Item 91 (Telegraph operator, £190; last year, £180), said a promise had been made that, in future Estimates, any officer appearing under more than one heading should have a note of reference placed opposite the first item, so that any other items under which the same officer appeared could be referred to. He hoped this mode of reference would be applied to all such cases, in each section of the Esti-

mates. At page 31, under the head of "Registry," he found that Item 9 (Meteorological Telegraphist, and Observer, Perth, £27,) referred to the same officer as in Item 91 of this section. [THE PREMIER: Who told you that?] He preferred to keep that to himself. He asked now that the assurance given, as to these cases, should be carried out.

THE PREMIER (Hon. Sir J. Forrest) said he had stated already that the Government would try to carry out this system of reference in the case of any officers appearing under more than one heading.

MR. LEAKE, referring to Item 131 (Telegraph cadet, £50), asked whether this and the four following officers were learning their profession.

THE PREMIER (Hon. Sir J. Forrest) said these cadets were learning to become operators, and, when efficient, they were promoted to vacancies. The regulations as to cadets had been published.

MR. WOOD, referring to Item 137 (Telephone Inspector, £200; last year, £185), said he wished to speak generally on the telephone system. A report was current that the rate of subscription for the use of private telephones was about to be raised. He would like to have an assurance that the present rate would not be interfered with. It had been stated in the Press that the delays complained of as between Perth and Fremantle were caused by the existing wires being required so much for private telephones. His own belief was that the private telephones did not interfere with the use of the business telephones, because a business man who had a private telephone to his residence and a business telephone to his office was hardly ever at home in the day during business hours, so that his two telephones would not be used in the same hours, for when he did go to his home his place of business would be closed. It was stated also that members of one's family, in such case, used the private telephones a good deal. He did not believe it. His own opinion was that the newspaper offices used the telephone nearly all day long, to the exclusion of other subscribers. He enquired, recently, why a newspaper office was not cut off after the limit of five minutes' use, and was told this could not be done in the case of newspapers, which required them longer. He had made further enquiry, and found that the newspaper offices

in Perth kept the telephone connected 20 minutes at a time. That was the cause of much of the inconvenience which other subscribers complained of. He would, at a later stage, refer to the non-paying telephones—those used for connecting the residences of Ministers, the Resident Magistrate, and others. If public officials were to have telephones free of cost, then their use should be confined to these persons, and not be availed of by members of their families, as well as the scores of friends who called at their residences. It was a great shame that free telephones should be used in this way, and that those persons who paid for telephones should have to suffer delays.

MR. MARMION asked whether it was intended to increase the telephone lines between Perth and Fremantle. There had been repeated expressions of a wish, in this House, that more wires should be provided between these towns; and although every effort might be made by the Department to be civil and obliging, yet the subscribers could not be attended to promptly because the wires available were not sufficient. Telephonic communication was of no advantage unless it was prompt; because otherwise the thing became a nuisance rather than a benefit. There was much loss of time now in communicating between the two towns. The expense of laying additional wires would be a mere nothing, in comparison with the public convenience resulting from ready communication.

MR. ILLINGWORTH rose to emphasise the statements made by the hon. member for Fremantle, and assured the Government that, as a subscriber, he had been kept waiting two or three hours at a time before he could get communication with Fremantle from his office in Perth. He had gone to the telephone office over and over again, and found the operators were doing their best to get communication with Fremantle, but could not do it. Something should be done, so that the public who paid for this convenience should have it.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) said that, between Perth and Fremantle, the whole distance had been re-poled, and a completely fresh system of telephone wires would be fixed, to the number of perhaps a dozen, or fifteen, or twenty—whatever the business required. That work was being carried on as expeditiously as possible, by the staff connected with the telephone department, and he believed it would shortly

be completed. One present difficulty was that the poles carrying the telegraph along the railway were not strong enough to carry all the wires that the increasing business required. When the new wires were fixed on the new poles, there would be a complete system, and he believed there would be no more cause for complaint. A suggestion had been made that the wires should be bunched in the form of cables, each cable to contain many wires. That might become necessary, eventually.

MR. CONNOR asked for an approximate date when the new telephone wires would be available for use.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) said the poles were being erected, but, as this work was not in charge of the Works Department, he was not in a position to say when the work would be finished. He believed the Telegraph Construction Staff were doing it as quickly as possible.

MR. R. F. SHOLL said that, as the subscribers to the telephone were increasing, the Government should reduce the number of the non-paying private telephones. He noticed that the three Judges now had telephones to their residences, and there were other persons who did not pay for private telephones. Perhaps the Judges' telephones were paid for out of the vote for the Supreme Court. The non-paying telephones were increasing. [THE PREMIER: What increase is there?] He would not mention names, but these persons did not pay out of their own pockets.

THE PREMIER: If it is free, it has to be paid for by the Department.

MR. R. F. SHOLL said these private telephones were not required in the interest of the public service, and they should, at all events, be used only on public business.

THE PREMIER (Hon. Sir J. Forrest), referring to the rumor as to raising the rate for private subscribers, mentioned by the hon. member for West Perth, said he was not aware of any such intention, and did not think it was likely that any increase in the charge would be made. The rumor probably had no foundation. He agreed that there had been trouble with Fremantle in regard to the telephone system, but that would soon be obviated by having more wires. It had been difficult to communicate with Fremantle, and no one knew that better than himself; but the Ministerial head of the Department would

take every measure he could to put the telephone system on a more satisfactory basis. With regard to private telephones without payment, to put on restrictions as to who should use them would not have any effect. Too much had been made of this. For his own part, he would rather pay for the telephone to his residence than have this bother every year. After all was said, the telephone was a great convenience to Ministers, and heads of departments, and saved much time and trouble to those having much use for it. The amount of the subscription was nothing in comparison with the advantage of the service. Delays were disagreeable, of course; but the service was very useful, and he might say his telephone in the office was going all day, to him and from him. If some persons who had the telephone did not use it much, where was the harm? He did not think that the private subscribers complained very much that they could not get on the telephone when required. They had not to wait long, in Perth. He could see nothing in the complaint as to private subscribers.

MR. GEORGE said that, when previously moving for a return on the subject, he had said it was desirable to have an authoritative statement to the effect that the telephone service should not be regarded by the Government as a means of earning a profit to the revenue of the colony; and he had moved for that return for the purpose of ascertaining whether the department was making a profit on its present charges. If it made a loss, and that loss was small, his argument would still hold good that the department was only fulfilling its purpose. He hoped the Premier would give the assurance he had asked for.

MR. LEAKE asked if it was intended to establish a Telephone Exchange in Albany.

THE PREMIER (Hon. Sir J. Forrest) said the matter came before him some time ago, and the decision was not to do it at that time; but he believed the matter had been brought up again for consideration.

MR. LEAKE, referring to Item 603 (New switchboard, telephone, £1,000), asked whether the old switchboard was worn out, or was there to be a greater number of them?

THE PREMIER (Hon. Sir J. Forrest) said this item was for a switchboard to be used at Coolgardie, and for the extension of the switchboards at Perth and Fremantle. There was a Telephone Exchange contemplated at Coolgardie.

MR. ILLINGWORTH asked if a Telephone Exchange was to be established at Cue.

THE PREMIER (Hon. Sir J. Forrest) said the Government would be glad to establish one at Cue, as soon as there was a demand.

MR. GEORGE, referring to Item 604 (Subsidy, coastal steam services), asked if this was a new item in regard to the Albany-Eucla service, and what line of steamers received the subsidy.

THE PREMIER (Hon. Sir J. Forrest) said this was a new item in regard to the Albany coast, where a boat was now subsidised to run periodically between Albany and Eucla, calling at intervening ports, and the service as far as Esperance Bay was fortnightly. The amount of subsidy was £2,000 a year, with a reduction to £1,500 after, for the second and third years of the contract.

Vote put and passed.

Section V.—Legislative Assembly.

MR. ILLINGWORTH, at this stage, raised a question as to Section V., by asking whether the Premier had noticed a letter from a newspaper reporter, published in that day's *West Australian*, stating that the vote for the Legislative Assembly (£3,555) had not been passed in proper order, the vote not having been put, and that this was a serious omission. Did the Premier intend to take any action in the matter?

THE PREMIER (Hon. Sir J. Forrest) said he did not think the statement in that letter was right. His recollection was that the vote for the Assembly was put and passed, at the sitting referred to. The progress made at that sitting certainly went as far as the next section (Section VI., Colonial Treasurer), he thought, and therefore included the passing of the vote for the Assembly.

MR. ILLINGWORTH said he was not in the House at the time, and could not say.

THE CHAIRMAN said the Clerks of the House were perfectly satisfied that the vote for the Assembly was passed in the usual way.

MR. LEAKE said the vote would come up again in the Appropriation Bill.

MR. RANDELL said that, if the vote was not put by the Chairman on that occasion, the fact of the minutes having been afterwards approved as correct would really settle the matter.

Section VIII.—Railways and tramways, £226,900:

This section, having been postponed at a

previous sitting, was now proceeded with.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) said: Being at last in a position to lay on the table of the House the "Report on the Working of the Government Railways" for the years 1892 to 1895, I purpose to first deliver what I may call my annual statement on the working of the railways, and then to have the printed report laid before members immediately afterwards, so that they may be able to compare my figures with those of the report whence they are drawn; and if hon. members, after having heard what I have to say, wish then that progress should be reported, that course may be desirable, as I am anxious they should be in possession of the printed report before the railway estimates are considered. I think it is highly desirable such a course should be taken, inasmuch as the report which has been sent down to me to-night contains so much valuable information that it would be better for hon. members to have it in their possession before they tackle the items in the vote for railways and tramways. I shall necessarily, in the delivery of my annual statement, for the sake of greater accuracy, follow my notes very closely, and I hope this procedure will not be found too tedious for hon. members. For myself, I may say this departmental report, which has been prepared by the Engineer-in-Chief, may not be so pretentious as are some railway reports in which larger systems are dealt with; but it is fairly comprehensive, and embraces a very wide field of information, showing at every page that carefulness which is so characteristic of the Engineer-in-Chief, and for the compilation of which he has my warmest thanks. A report of this nature enables hon. members to realise, in a much more satisfactory manner what the exact position is in regard to our railways at present than could be gathered from the annual statement made by me to this House; and when we think for one moment of the rapid strides our railway business has made since 1890, rising from a revenue of £45,000 to a revenue of £296,000 within five years, this must fill us all with surprise and gratification. And, in order that hon. members may realise the difference in the progress of different years, I will now quote from the report the figures showing the gross revenue earned in each year since 1890. I find that the gross revenue earned in 1890 was £45,113; in 1891, £64,034; in 1892, £94,201; in 1893 (this being half a year, to

accord with the change in the financial year, now ending in June), the revenue for the six months was £54,668; in the financial year 1893-4, the revenue was £140,564; and in the financial year 1894-5, the revenue was £296,000. The only way to gauge our progress is by comparison,—by comparative figures, in all branches of our railways; and I feel sure hon. members will find in this report some figures for wholesome consideration. I regret, however, I have not, until the present year, been able to lay such a report on the table of the House. I have myself felt the great necessity there has been for such a report; but, owing to the great pressure of work in the department, and the necessity for attending closely to the business of the moment, these reports on the working of the railways have not appeared since 1891. This report comes now, I hope, as a happy indication of what this House may expect in the future; and, so far as I am concerned, I can safely promise that any future reports laid on the table of the House by me will be more comprehensive than is the present one, by reason of the fact that, having once established a proper principle on which to make these reports, it will be a simple matter over afterwards to elaborate the system. Every day the business of our railways is extending, and every day the responsibilities of the Department are increasing to such an extent as to call forth all the energy that I, as the Minister controlling the department, together with all the skill and energy that the responsible officers under me, can bestow on the work. I hope that the result of these efforts have met, and will continue to meet, with the approval of hon. members of this House. As time goes on and the business of the country increases the position of Commissioner of Railways holding a Ministerial position will become more and more arduous, and, to my mind, more impossible. The experience of the other colonies has shown that the railways give better results when severed from direct Ministerial control. I venture to say, therefore, that the time is not very far distant when the Government of this colony will find it wise and expedient to place our railways under the special direction of an independent Board of Commissioners.

MR. RANDALL: They have gone back from that system in South Australia.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): Yes, I believe that is so.

At the same time I believe in the appointment of a Board, who would be more free to work the railways on purely commercial principles, untrammelled and unfettered in every way by Parliamentary influence. It may seem somewhat inopportune for me to say this at this stage of my history in connection with the railways, as the existing circumstances surrounding our railways are not on all-fours with those to which the changes in the sister colonies were due. They, I believe, made the change because it was found the railways were not likely to pay under Ministerial control, and they were, consequently, forced to adopt a system that would pay. In this colony, however, our railways at this moment are showing results far better than the results which can be shown in either Tasmania, Queensland or New Zealand, so far as expenditure compared with working expenses is concerned. We are actually on top of the list so far as regards percentage on net revenue to capital cost of average miles worked. This being so, it might be very well argued there is no occasion to change a system giving such good results. It will interest hon. members to have some figures showing how this branch of railway work really does compare with that of other colonies. I find the percentage in Western Australia for last year was 5.44, that of Cape Colony 5.32, South Australia 3.54, New South Wales 3.46, Victoria 2.89, New Zealand 2.89, Queensland 2.18, and Tasmania 0.61. Given such excellent results as these I must confess that I take a different view of political matters. It is wiser, to my mind, to make the best provision we can in times of prosperity, for then we can, with deliberation and wisdom, provide for future contingencies. Far better this way than be driven by the force of circumstances to take the course I propose. It would be a matter for regret if we did not allow ourselves ample time to make all necessary provisions. In other words, it is far wiser in times of peace and security to prepare and provide for war, instead of having to make our preparations after war has actually been declared. It is this way in regard to our railway system as well as most other things, and this has determined me that if I am spared, I propose to make some recommendations to my colleagues in the Cabinet during the recess, and I hope those recommendations will meet with their approval. I also trust that I shall then be able to submit those pro-

posals to this House next session. I say this, Sir, in the most deliberate manner possible, and I feel sure that my colleagues, and hon. members who are listening to me this evening, will know that when I do submit my recommendations I shall be fully prepared to stand by them. I have now been for over four years in the active Ministerial control of the Government system of railways in this colony, and, as all the shortcomings are religiously laid at my door, it would be only reasonable for me to take credit for the flourishing position our railways are in at this moment. I do not feel disposed, however, to do anything of the kind. It has been well known to the House how closely I have identified myself with the railway system of this colony, from the very first hour I accepted the responsible post offered to me by Sir John Forrest; but it has to be borne in mind, also, that the essence of good administration is not always to do the work one-self, but to succeed in the selection of capable officers, and throwing the responsibility upon them, while at the same time carefully stimulating and supporting their endeavors to do what is right and best in the interests of the colony. If a Minister appoints capable men he should follow their advice and recommendations, and at the same time accept the responsibility of his confidence by protecting them, and by being prepared to answer for their actions at all times. This, I believe, I have fully shown to the House, is something I am always ready to do, and, if I cannot always divest myself of details, it arises from the fact that having grown up with the Department I have become a part of its working organisation. This is a position a Minister is not expected to occupy, nor is it one that future Ministers are likely to occupy. The reason for this is that the task would be impossible, except for the first Minister who initiated the work, and who, in consequence, had all details at his fingers' ends. A Minister has, at all times, quite enough to do as political head of any department. His Ministerial pay really covers that position alone. It does not, by any means, cover every moment of the working hours of a man's life. This would be more fairly covered by the pay of a Commissioner, ranging from £3,000 to £5,000 per annum. Hon. members will see, on glancing at the Estimates, that I am now dividing the work of the two departments—the Railways from the Works—by the appointment of an Under-Secretary for Railways, as

well as an Under-Secretary for Works. This will, I believe, facilitate the business of the two departments very much, and place the work of each on a much better footing than hitherto. The organisation of the two departments is quite separate, and the duties devolving upon the two Under-Secretaries will be clearly defined and distinct, and will not be focussed into one head, as has been the case in the past. Having said this much on the general administration of the department, I will now deal more particularly with those items contained in the departmental report to be presented this evening, in relation to the business of our railways. As I have previously said, in 1890 the revenue of our railways was only £43,000, while in 1895 it had made a marvellous increase and amounted to £296,000. You will find it stated in the report that these results have been achieved owing to the growth of the colony, improvements in construction and equipment, and, last, but not least, by improvements in administration. At the same time we are yet some distance from the best financial results, and these may (and I hope will) shortly be attained by the lessening of our grades, the improvements in our locomotives, and by the removal of our Workshops to a site that will give better and cheaper facilities for dealing with locomotives and rolling stock repairs. The best financial results obtained in any British colony, as compared with our own, are those obtained by the Cape Colony railways. These show 54·70 per cent. of working expenses as against revenue, while the figures for Western Australia are 60·50 per cent for the same thing—a difference, as you will see, of practically 7 per cent. in favor of the Cape railways. Taking the whole of the colonies the figures included in the report which hon. members will shortly have before them, are most interesting and instructive. They show that the percentage of working expenses to revenue in the different colonies is as follows: Cape Colony, 54·70, New South Wales 56·58, South Australia 56·98, Victoria, 59·99, Western Australia 61·50, Queensland 62·61, New Zealand 62·70, Tasmania 85·02. You will therefore see from these figures that the difference between the best of these and our own figures really amounts to about 7 per cent.; and 7 per cent. in a revenue of £360,000 is a matter of at least £25,000. It would also appear that at least 5 per cent. of the gross cost is made up by

the difference in the expenditure on the repairs of our locomotives, as compared with the cost of this work in South Australia, owing to the latter having conveniences and the possibilities of economy in their workshops. From this, members will be able to see the vital necessity that exists for the immediate erection of the best-designed Workshops, as it means an annual saving of at least, £18,000 per annum. If we pursue the same sort of calculation a little further, we will find that the saving, if we were similar situated to South Australia (which shows a proportion of only 5 per cent. of the expenditure) would be £18,000 per annum; the saving compared with New South Wales (8·76 per cent.) would be £31,000, and with Victoria (8·12 per cent.), £29,000.

MR. LILGORTH: That is according to the volume of business done.

MR. MOSS: Our own figures show that.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Ven.): That may be so. I must not forget to mention that one of the greatest contributing elements towards lowering the expenses of our railways has been in consequence of our having re-laid the Eastern Railway with 60 lb. rails, and the introduction of more powerful engines, capable of hauling heavier loads up our steepest grades than was possible heretofore. Dealing with the Estimates now before the House, I have to say that my estimated revenue for last year was £220,000, and my estimated expenditure £164,505. Both these estimates were somewhat exceeded. The revenue that was actually received amounted to £296,000; while the expenditure was increased to £182,045. In other words the estimated revenue was exceeded by about 34 per cent., and the expenditure was only exceeded by about 10 per cent. In this connection, it must be clear to hon. members how difficult it is to very accurately estimate, because, owing to the progressive strides our colony is making, the results must be beyond all our calculations. However, it is wiser to under-estimate than to over-estimate. Climbing up is always pleasant, while to climb down is rather disagreeable. The greatest possible care is taken in the preparation of our departmental estimates. They undergo very careful consideration by the departmental heads in the first instance, and they are subject to a rigid scrutiny by myself and my responsible officers before they are submitted to the Cabinet. I can assure hon. members there is

nothing haphazard about them. Everything is carried out with carefulness, and this is shown in the fact that the expenditure last year rose in proportion to our revenue only in a proper amount, as hon. members will be able to see for themselves by a reference to the departmental figures. What is more, the revenue has left a substantial credit balance to the general revenue of the colony. These splendid financial results are, doubtless, largely attributable to the development of our goldfields and to the stimulus given to all trades by the increase of population, together with the general progressive policy of the Government. Everything in the colony at this moment is on the upward grade, and, by careful management of our expenditure, the railways will become an important factor in contributing towards the interest on our borrowed capital. It would also be well for me to intimate to hon. members that one of the most important features of our railway expenditure is that of railway construction, and it is a fact that while the railways of the other colonies have been costing those colonies sums varying from £6,000 to £14,000 per mile, our own railways have only cost us an average of about £3,804. The important difference in this respect is more plainly shown in another table given in the report of the Engineer-in-Chief. You will see from this the following results, as to the cost of railways in other colonies, compared with the cost of our own railways: Western Australia, £3,804; Queensland, £6,902; South Australia, £7,297; New Zealand, £7,771; Tasmania, £8,382; Cape Colony, £9,009; Victoria, £12,570; and New South Wales, £14,335.

MR. LORON: Is the cost of our lines the cost of them properly equipped?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): No, but it is the actual cost of them as they are at the present moment.

MR. GEORGE: You forget the difference in the gauge.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): No, I do not; but with us it would not make such a material difference. The average I have given will be considerably lessened when we are able to bring the cost of the Yilgarn line into the calculation. It is partly due to the extraordinarily low cost of construction in this colony that we are able to run trains at the low rates that are ruling, as the money to be earned to meet the interest on capital cost is

so small, and so far below that of the other colonies. These lower rates I refer to are shown not only in the return I shall allude to later on—I refer to the one dealing with the carriage of specific articles—but are shown in our classification sheet as applying generally to our railway system. The estimates of expenditure for last year were based on the percentage of revenue, and the same course has been followed this year. Hon. members will please be good enough to recollect that my estimated expenditure is calculated on an estimated revenue. I have taken that expenditure on a basis of 62 per cent. of revenue basis, for purposes of calculation. This is a fraction higher than the actual results of last year, and I have some confidence in saying that not only will this percentage not be exceeded but I hope to reduce it. The reason why I believe I shall be able to do this is in consequence of the reduction in the grades, and the opening of the deviations at Greenmount, which will lower our percentage of expenditure. But, inasmuch as we have not yet arrived at an actual stage of completion in these matters, I am not at present prepared to submit these Estimates on a lower basis than 60 per cent. The difference between this percentage and that of Cape Colony is about 8 per cent.; so that if we were given complete and effective Workshops and lower grades, I have no hesitation whatever in saying that the officers of our Railway Department are capable of working the railways of this colony on a percentage as low as that ruling, not only at the Cape, but anywhere else. They would easily do this, if they had the same facilities and advantages; and, when these are found, the railways of this colony will not only compete, but will probably show a lower percentage in cost of management and administration than is shown by the other colonies at present. The local conditions of the railway lines in Western Australia have encouraged cheap management as compared with other Australian railways. Before I leave this question of capital cost, I must take the opportunity of saying that we owe this factor in a great measure to the Engineer-in-Chief, for his very exhaustive surveys, and for the care he has shown in locating and in grading our railways. Here is where the colony gains by commanding the services of a man who may, in one contract, save the colony many thousands of pounds. Our Engineer-in-Chief

is ever watchful of the best interests of the Government he serves. Too much importance cannot be attached to this, as we have expensive examples of what bad grading and bad location really mean. There is no doubt in my mind that we are at this moment constructing more railways for our money than was ever anticipated, and this is mainly due to the care and ability of the Engineer-in-Chief. I am glad to say that, in compiling the Estimates, the salaries of our different officers do not give us much trouble, as one of the first things I did after the first year of taking office was to take advantage of the powers vested in the Commissioner of Railways, by the Act, to frame Regulations for the railway service, by which the minimum and maximum pay for all grades is so laid down as to be absolutely fair to everyone, from the apprentice in the workshops up to the first-class station-master. In the absence of any definite form of Civil service administration, I recognised that Regulations of the character I have mentioned would be most important. I have every reason to believe that the action I took in compiling these Regulations has been of immense advantage, not only to myself, but to the service generally as it places the Commissioner of Railways and his officers on a proper and understandable basis. These Estimates, I might inform the House, are framed under those Regulations, as far as they apply to the grades mentioned, consequently I need not dwell on this particular item of salaries. I would like this fact to be borne in mind, that if the estimated revenue is not reached, neither will the estimated expenditure; but it will only bear the relative proportion of 62 per cent. and probably, as I have already said, very much less. And I would say this, that if I am spared, and have the pleasure of submitting another year's Estimates I feel little hesitation in saying that the percentage of expenditure for the coming year will be below 60 per cent. There can be no shadow of doubt whatever that in addition to a good Engineer-in-Chief we also have a most careful, painstaking and energetic Traffic Manager. Mr. Davies is one who is daily making his mark by the administrative ability he is bringing to bear on our railways, and I should be wanting in my duty, and in my respect for this officer, if I did not take advantage of this opportunity of saying so. It is a pleasure to work with such clear-headed business men, and to discuss their recom-

mendations. In my opinion the colony is indeed fortunate in possessing, in the present General Traffic Manager, an officer who is so capable and so willing to make our railways pay, and who is always so desirous of placing our railway service on a level with the services of other colonies. I would again say to the House that we are deeply indebted to Mr. Davies, and that my appreciation of his services will be fully recognised in the recommendations it is my intention to make at an early date to the Cabinet, and which, as I have already said, I trust to have the pleasure of submitting to Parliament next session. It will also be fitting for me to take the present opportunity of referring hon. members to statements that have repeatedly been made by them regarding our railway revenue, and I do so in order to disabuse the minds of those who seem disposed to assume that our receipts are largely made up from work charged to other departments and from Loan funds. The House will be interested in the remarks made by the Engineer-in-Chief on this subject. In his report we find that gentleman saying:—
 "As regards the satisfactory financial result now attained by the working of the railways, it has, in some quarters, been insinuated that this is probably due, in a large measure, to the Loan Funds being drawn upon for what is properly maintenance work; and, in answer to this, I may say that it seems to me to be altogether incredible, for two reasons—
 "Firstly, because no capable railway administrator would ever be silly enough to temporarily bolster up his case, with the inevitable result that he would suffer for it afterwards; and, secondly, for the still more conclusive reason that the Loan Expenditure on improvements to opened railways, during the year 1894-5 (exclusive of the deviations, which were embodied in specific contracts) has been only £53,033, while the working expenses have been £182,045, and it is scarcely necessary to say, therefore, that all the pickings, in aid of working expenses, which could by any possibility have been got out of the Loan Expenditure, could not have materially affected the result. Another allegation, as regards the railway revenue, namely, that it comes very largely from payments made by other departments, for services alleged to be performed for them, seems to me to be even more foundationless than the allegation as regards the maintenance work being assisted by Loan

"funds, the amount so paid by other departments, for services performed for them, "during the year 1894-5, having been only "£7,548 3s. 1d.—an amount which is utterly "insignificant, when compared with a revenue "of £296,000. Besides this, too, it should be "borne in mind, that the services in question, "performed for other departments, are "formed by the Railways Department at a "much cheaper rate than they could possibly "have been procured for, had the railways not "been in existence; and it would therefore "be more reasonable to claim, on behalf of the "railways, that the results are really better "than they appear on paper, by reason of the "saving to other departments in getting their "work done cheaply, rather than to deny to "the railways the low rates charged for doing "such work. Over and above all this, too, I "may say, that I am personally most studiously "careful to guard the Loan Funds, for which "I am more immediately responsible, and for "which I have to show value in construction "works; and I therefore take care that nothing shall be charged to Loans beyond the "extent to which it increases the capital "value of the concern, by distinct and tangible "construction work; and, I may say, that you "yourself, Sir, are occasionally even more "severe than I am in that way, as you "have declined, in some instances, to "charge items to Loans, which I considered were quite properly so chargeable." These statements are facts—they are facts supported by figures. At the same time it will be seen that the amounts so received really make little or no practical difference in the results. What is more, I would like to emphasise this fact, and impress it on the minds of hon. members, that, whether the receipts have been large or small from this source, it would not be a proper thing to charge the cost of all this work to the Railway Department without at the same time showing exactly how the expenditure has been caused—that is, the work done for the expenditure; for that is what the position amounts to. I am sure that no one for one moment will contend that it costs less to do Government work than the same work would cost outside. What the House and the country want to know every year is, what it costs to run the railways, and how the expenditure is created. If they did not know what work was done for the money spent, the real expenditure on our railways would never

be known, neither would the actual cost of public works. If the Railway Department charged nothing for the work, and had to stand the expense of serving other departments, the expenditure would appear unfairly to its disadvantage. Therefore, so long as the work done for other departments is charged at a rate no higher than the ordinary public rates, the railway finances should receive the credit, and it should be considered a proper and legitimate source of revenue, exactly in the same way as if the railways were run by private companies. Still, Sir, the quotation I have made from the report of the Engineer-in-Chief proves most conclusively that the figures do not disturb the balance-sheet in any appreciable way whatever. Again, it has been said, and I think repeatedly said, by the hon. member for Geraldton in particular, that the wharfage revenue goes to swell the railway receipts.

MR. SIMPSON: You have here taken credit for £18,000, at any rate.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): It has also been declared that revenue from this source should be kept as a separate item. Why this reasoning it would be hard to say, inasmuch as goods from ships' slings are delivered direct on to railway trucks, and the jetties form part of the railway system. Be that as it may, I am prepared to show that the wharfage revenue credited to railway receipts, less the necessary expenditure in the working of the jetties, is absolutely of no appreciable amount whatever. Most certainly it is not, by any means, a profitable source of revenue. As a fact, the jetty work is, without exception, the most costly part of the whole railway system. This is so by reason of the short haulage, and the necessity for two extra handlings for everything, together with the consequent extra clerical and tallying assistance. In fact, I have seen some returns which have shown an actual loss on the work done. When hon. members refer to railway revenue for the year ending June, 1895, they will find that the expenditure for jetties, including locomotive power, repairs, cars and wagons, was £16,400, while the wharfage receipts were, as stated by the hon. member for Geraldton, £18,365. This shows a credit balance in favor of the jetties of only £1,965. Can this be considered a large item to swell our railway credit balance? No one will for one moment say so, and conse-

quently the assertions that our railway revenue and balance-sheet is unduly inflated by wharfage receipts is an utter fallacy.

MR. R. F. SHOLL: Do you charge Government material with wharfage.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): I don't think there is any. The railway report will, in many respects, totally disabuse the minds of those who have contracted false impressions about the railways of the colony, and for that reason alone it is a matter for congratulation that hon. members can now have full and ample information before them. I now come to the question of the reduction of rates. Taking advantage of a profitable year, I have seized upon the opportunity of making very substantial reductions in the rates of freights on the Government railways. These reductions affect all classes of the community, but more particularly the farmer. This is owing to great reductions made in the small lots; that is, those from a quarter of a ton up to one ton. By placing manures at mineral rates the agriculturists are further benefited, while very large concessions have been made by reducing the rates for timber (on 200-ton lots) to the same rates as those for export. The goldfields lines participate in all these reductions in exactly the same degree as other lines. Beyond all this, the reduction of passenger fares on the Yilgarn railway, to assimilate them with those of Eastern lines, means a very large concession.

MR. ILLINGWORTH: It cannot be called a concession. It is simple justice.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): It is a good concession, to the goldfields particularly. All told, the reductions made in the new tariff will affect our revenue (taking as our basis last year's receipts) to the tune of about £40,000. That is to say, the Government by the reductions in railway freights have handed to the people of the goldfields and the general community a sum of over £40,000. For the year 1895-96 I believe it will reach £50,000. These are very large concessions, and I only hope the results will justify the action I have taken. Personally, however, I feel that I have undertaken a grave responsibility in recommending these reductions to the Government, and I certainly feel anxious as to the result. I believe we have now got down to almost the very minimum, or the bedrock, of rates for nearly every-

thing. I may say this, that both wise and experienced railway men in the other colonies have written to me to say I have made a mistake, and that the experiment is too risky. Be this as it may, I hope by careful management to justify the action I have taken. I wish now to point out to hon. members, and more especially the hon. member for Yilgarn—who I regret is not in his place to-night, but who has at different times flourished some very misleading figures before the House—I wish to point out some other facts. The hon. member has been misled or misinformed, and when people use the word "penalise" in regard to the goldfields rates, they must be entirely ignorant of the meaning of the term in its application to the bare and indisputable facts. In order, Sir, that everyone may know what the actual freights are on goods on our goldfields railways, I have had a table prepared, showing the actual cost of freights on the principal articles of use in consumption on the goldfields from Fremantle to Southern Cross. This is a distance of 248 miles, and I have compared them with the freightage for the same articles for a corresponding distance in Queensland, South Australia, and Victoria. The comparison will be found in the following figures:—Gold crushing machinery, (per ton)—Western Australia, 56s. 2d.; Queensland, 116s. 8d.; South Australia, 87s. 5d.; Victoria, 141s. 9d. Oil in four ton loads, (at per ton)—Western Australia, 56s. 2d.; Queensland 161s. 4d.; South Australia, 115s. 10d.; and Victoria, 82s. Sugar (per ton)—Western Australia, 56s. 2d.; Queensland, 75s. 4d.; South Australia, 58s. 11d.; Victoria, 82s. I need not go further through the table, which hon. members can examine for themselves. It will be seen that the rates charged in Western Australia (including our goldfield railway rates) are in some instances 50 per cent. less than is charged in the other Colonies, and in nearly every other instance from 15 to 20 per cent. less.

MR. R. F. SHOLL: Will you give us a comparison with another line than the Yilgarn line?

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): That is the only one I have prepared. The comparison is largely in our favor, and inasmuch as the complaining element in regard to these rates are men who have come here from those colonies, where they cheerfully paid the higher rates, how can

it fairly be said by them that we are "penalising" them by our charges?

MR. ILLINGWORTH: "Penalising" is my word.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): "Then it is a wrong one to use. Surely, getting railway transit 15 to 50 per cent. cheaper than ever they got it before should be enough for them; for it should also be remembered that, in addition to this they are getting a return, for their labor and all they do, of probably 500 per cent. above the rates prevailing in the localities whence they came.

MR. ILLINGWORTH: That is begging the question.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): It will be seen therefore, that there is no truth whatever in the statement that our goldfields rates are excessive. On the other hand I have shown them to be low to an extreme degree, when they are below the rates existing elsewhere. This is brought about by the fact that the cost of constructing our railways has been comparatively small, as compared with the cost to the other colonies, and it is largely due to that fact alone that we are not called upon to pay very much higher rates indeed than at present prevail. In saying that the Government could not, in fairness, be asked to further reduce those rates, I am sure I am echoing the sentiments of every sound thinking man in the colony. When the times for the railways securing back loading, instead of having to bring back empty trucks arrive, and when the carriage is no longer the one way only, further reductions might properly form a matter for consideration, or when it can be clearly shown that the receipts are more than equal to the working expenditure, and interest on capital. But, at the same time, while the Government have so many obligations in the development of these goldfields in the shape of future railway extensions, it would be unwise to reduce our revenue. Before I conclude my remarks I wish to state that, having very seriously considered the question of passenger fares between Fremantle and Perth, I hope to be in a position to make a material reduction in them, some time about the beginning of the year. If it is at all practicable I shall certainly do so, but at this moment, with the difference in revenue from the reductions to which I have already alluded, I am not quite prepared to do it. Hon. members will see that there

has been a large amount of necessary rolling stock ordered, and some is to arrive here very shortly. With this the department anticipate being able to meet the growing demands of the traffic, but it is impossible to foresee the extent of our future developments. It would certainly be unwise to load the colony up with much larger orders for rolling stock than have gone forward, as these orders represent the respectable sum of £154,000. The General Traffic Manager is very anxious about this matter, and is most desirous to meet the wishes and requirements of the public. I may also say that it is also our intention to increase the accommodation at the Perth Station, and to erect commodious sheds for the outward traffic between Perth and Fremantle. This will enable the traffic to be dealt with more expeditiously than hitherto, and afford facilities for the development of the railway business. Another important step will be the duplication of the Perth and Fremantle line. The survey for the duplicate line is now being made. The second line has been rendered necessary by the development of the trade between the port and the capital. At present it is impossible to run the trains on the single line without having to stop at every little station, every two or three miles, and the sooner we have a railway between Perth and Fremantle over which we can run trains with some reasonable despatch, the better it will be for the country generally. Coming next to rolling stock, I am of opinion that we should have higher speed engines for the running of passenger trains. The engines now in use are too slow to do justice to the passenger traffic, but, with the high-class engines we have ordered, the lines will be properly equipped, and the time of the public will be saved in travelling. Another welcome addition to the rolling stock will be some sleeping cars for the goldfields, and four cold storage vans. I think I can assure hon. members—and I hope they can perceive—that we are quite alive to the pressing demands upon the railway service which have arisen in consequence of the rapid strides the colony is making. The outlook is a very encouraging one, as will be seen from the fact that I estimate the revenue for the coming year at £360,000, and the expenditure at £224,500, leaving a credit balance of £135,400 towards paying interest on the capital invested in the lines. I hope that the returns from the lines will be even better next year, and I think

there is little reason to fear, from the prosperity West Australia is now enjoying, that my anticipations will not be realised. All my time is devoted to the working of the railways, and I shall spare no effort to advance their interests, and keep pace with the requirements of the public. In placing my report on the table of the House, I desire to add that I have much pleasure in also presenting an interim report upon the Public Works Department, which is so full of the information that hon. members desire to have that I think they will not need to call for more returns when they have this interim report in their possession. The House will therefore be able to undertake the consideration of the Estimates of both the Public Works and the Railway Departments while having before them the fullest possible information upon those departments. I shall be happy to answer any questions while the Estimates are being dealt with, and I hope that my answers will be satisfactory, and serve to show that the public is being well served by the Public Works and Railway Departments. I have much pleasure in placing my report upon those departments before hon. members.

MR. LEAKE moved that progress be now reported. The report the Commissioner of Railways had placed upon the table was somewhat lengthy, and he was sure that hon. members did not wish to take up this important vote unless they had mastered the details of the report. Therefore he hoped the House would agree to reporting progress. If this were done, the consideration of the Railways' Estimates could come on after the discussion that would probably take place on the removal of the Fremantle workshops, on the following evening.

Motion put and passed.

Progress reported.

MESSAGES FROM HIS EXCELLENCY THE ADMINISTRATOR.

RESIGNATION OF MEMBER OF FEDERAL COUNCIL.

The following message was delivered to and read by Mr. Speaker:—

ALEX. C. ONSLOW,

Administrator.

In accordance with Section 5 of "The Federal Council (Adopting) Act, 1885," the Administrator has the honor to inform the Legislative Assembly that on the 25th of July, 1895, the resignation of William Silas Pearce, J.P., as a member of the Federal

Council of Australasia, was tendered, and accepted on the 3rd of September, 1895.

Government House, Perth, 3rd September, 1895.

RESIGNATION OF SIR W. C. F. ROBINSON AS GOVERNOR OF WESTERN AUSTRALIA.

The following Message was delivered to and read by Mr. Speaker:—

ALEX. C. ONSLOW,

Administrator.

The Administrator has the honor to inform the Legislative Assembly that he has received a despatch from the Right Honorable the Secretary of State for the Colonies, announcing the resignation of Sir William Cleaver Francis Robinson, G.C.M.G., as Governor of this colony.

Copies of the despatch, and of Sir William Robinson's letter of resignation, are transmitted herewith.

Government House, Perth, 3rd September, 1895.

WESTERN AUSTRALIA, } No 21.

Downing Street, 30th July, 1895.

SIR,—I have the honor to transmit to you, for the information of your Government, and for record in the Colony, a copy of a letter from Sir William Robinson, G.C.M.G., tendering his resignation of the Government of Western Australia.

I have informed Sir W. Robinson that his resignation is accepted as from the 16th of August, and have intimated to him the high appreciation in which his long and varied services have been held by successive Secretaries of State for the Colonies.

You will be informed later on of the choice for his successor.

I have, etc.,

(Signed) J. CHAMBERLAIN.

To The Officer Administering the Government of Western Australia.

73 Chester Square, 12th July, 1895.

SIR,—

Lord Ripon having given me to understand that I am not likely to be offered another appointment after the termination of my period of service in Western Australia, in October, 1896, I have taken advantage of my visit to London to secure, while I can, some positions which will be of value to me when I cease to be employed as Governor.

I therefore ask that my resignation of the Governorship of Western Australia may be accepted as from the 16th proximo, when my leave of absence will expire, and that my pension may be assigned to me from that date.

I have been 32 years in actual employment as Governor :—

Montserrat	...	...	1862
Dominica	...	...	1865
Falkland Islands	...	...	1866
Prince Edward Island...	...	...	1870
Western Australia	...	...	1874
Straits Settlement	...	...	1877
Western Australia (2nd time)	...	...	1880
South Australia...	...	...	1882
Victoria (Acting)	...	...	1889
Western Australia (3rd time)	...	...	1890

The above dates show a service of 33 years, but I was one year out of employment after the union of Prince Edward Island with the Dominion of Canada, leaving, as stated, a net actual employment of 32 years. I may add that for several years past I have been the senior member of the service in which more than half of my life has been spent, and which, I can assure you, I leave with the deepest regret.

I have, etc.,

(Signed) W. C. F. ROBINSON.

The Honorable Sir Robert Meade, K.C.B.,
Colonial Office.

THE GOLDFIELDS BILL.

IN COMMITTEE.

The House went into committee for the further consideration of this Bill.

Clause 18—"Business licenses":

THE ATTORNEY-GENERAL (Hon. S. Burt) said he desired to substitute another clause in lieu of the present one, in the direction of limiting the duration of a business license to one year, the same as a miner's right. At present business licenses were granted for a long period—something like ten years,—but he thought that, under the special circumstances of the rapid development of the goldfields, a change should be made, and the licenses should be subject to renewal every year. If this were enacted, it should not necessarily mean that a man was to be deprived of his license at the end of the year, but only that he should make a fresh application every year. This was the chief object of the clause which he desired to have inserted in the Bill in place of Clause 18. Under the

new clause a man might go on applying for and obtaining a renewal of his license for any number of years, the same as a miner had to renew his right. There would only be the trouble of making the application annually. There were several other minor alterations in the clause, particularly in the latter part, with reference to the endorsement and transfer of business licenses. He moved that the clause be struck out, with the view of inserting another one in lieu of it, of which he had already given notice.

MR. SIMPSON suggested that business licenses should only be issued up to the date when a township was surveyed, whereupon the blocks to which such licenses related should be put up at an upset price, and sold subject to a valuation of the improvements upon the land. This would give a man who had made a business in the early days of a goldfield an opportunity of acquiring the fee simple of his holding. This plan had been proposed to him by a man who had had a very wide experience in mining.

THE COMMISSIONER OF CROWN LANDS (Hon. A. R. Richardson) supposed that, in speaking of an upset price, the hon. member for Geraldton did not mean a uniform upset price, for of course the value of different allotments differed greatly according to their eligibility as business sites and central positions. The real value of the blocks must be left to public competition to determine.

MR. ILLINGWORTH said the value was often created by the individual who had put his property there. Before a place became a goldfield the land had so little value that the Crown would sell a thousand acres at 10s. per acre, the payment spreading over twenty years.

THE PREMIER (Hon. Sir J. Forrest): But the man who settles in a township does not make the added value of the land.

MR. ILLINGWORTH: The Government got an extra price for the land because settlement had created a township. In taking from a storekeeper the site of his business, and selling it at auction to the highest bidder, the Government would take from him what did not belong to them, namely, the goodwill of the business, the profit of the enterprise of the individual. Although the Committee had rejected a motion which he had made dealing with this part of the Bill, he would be very glad if the Attorney-General would accept the

suggestion made by the hon. member for Geraldton.

MR. SIMPSON urged the Committee not to do an injustice to the storekeeper, who, in the early days of a mining township, had to risk his money for many months after he started business in giving credit, and who imparted a value to the township blocks by making the place a centre of population. He did not think the Government contemplated that the business sites, when the place had been developed, should be reserved for the speculator with a pocket full of money to come along and turn out the man who had given a value to those sites. Neither did he think that was the intention of the Bill; but that would be the effect of the new clause proposed by the Attorney-General. Surely some consideration was due to the men who helped to make the goldfields of the colony, by supplying the miners with food while they were prospecting, and formed a township from its beginning. The right should be given to the first comers, who had established a business on a goldfield, to buy the sites of their stores at an upset price to be named by the Government. But if the Government wished to pocket the price of the goodwill of a business by selling the sites to the highest bidder, he did not see that the new clause would enable them to do so. As far as he could see the clause would give a perpetual occupation so long as the licensee paid his rent annually.

THE PREMIER (Hon. Sir J. Forrest) said the question before the committee had previously been discussed at some length, and his impression was that something should be done to prevent hardship to those *bona fide* cases of pioneer storekeepers, to which the hon. members for Nannine and for Geraldton drew attention. But there was another class of people who, whenever there was a little bit of a rush, hastened to secure the business sites, with a view to making money out of them. The Government had no reason to believe that a regular business was carried on of this sort, though there might be some exceptional cases of hardship. The Bill must try and steer a middle course between the *bona fide* business pioneer on the one hand, and the land-grabber on the other. It must try and protect the interests of the public without doing injustice to the individual. He did not think the question arose on the clause before the committee, and, before the Bill had passed through committee, he would do something to overcome

the difficulty, either by submitting a new clause or widening the regulations. He knew exactly how the conflicting interests arose, and the Government would see what they could do to do what was right, and to be just between all parties.

MR. ILLINGWORTH pointed out that the clause reserved to the Crown the power of resuming any business site at the discretion of the Government. A man ought not to have to establish a business upon such an insecure tenure.

THE PREMIER: But has he a business? A man may take out a license, and not do a stroke upon the ground.

MR. JAMES hoped the Government would not be too indulgent in dealing with the holders of business licenses. He could not understand why the committee should be asked to extend so much philanthropy to every man who went to the goldfields, whether he was a storekeeper or a speculator. It was strictly a matter of business. If a man started a store in a place, he had the earliest opportunity of finding out the value of the town blocks, and of profiting by the knowledge. A longer tenure might be given to the leases of other classes of settlers at the goldfields.

MR. MARMION said it would appear from the remarks of the hon. member for Geraldton that if a man started a store on a goldfield, he was a public benefactor, because he had given a value to the Crown lands of the locality as the site of a township. But he had done nothing of the sort. The men who gave the value to the land were the discoverers of the mineral wealth that caused the place to become a township. The business man went to a rush simply to make money out of the place where the gold was found. The gold belonged to the colony; it was the gold that made the township, and hence the Crown was entitled to the enhanced value of the township lands. He saw no reason why the storekeepers should become the possessors of those lands almost for nothing, as they had done at Coolgardie, where land sold a year or two ago for £20 was now worth half as many thousands. A fair price should be put on township lands, and whoever would pay it should get them. Speaking generally the Bill was a very fair measure, for the owner of a building was to be profited by the valuation put upon it when the site was sold. In practice, as it was well known, not only a fair value but an extreme value was put upon

improvements on land sold at auction by the Crown, and, in nineteen cases out of twenty, any man who erected any kind of a structure on such lands was allowed to become the purchaser at the upset price. Where then was the necessity for an alteration in the law that would cause the Government to lose large sums of money for the benefit of a few individuals.

MR. ILLINGWORTH said that the new clause proposed by the Attorney-General limiting the term of a business license on the goldfields to one year was not in accord with the law on the subject in Victoria and other places, where a different practice had worked well. In Victoria the Crown could not offer land that was held under a business license for sale until the licensee made an application that the land should be put up at auction. On such an application being made a valuation was put upon the improvements of the land which the licensee wished to make his freehold.

THE PREMIER: His own valuation?

MR. ILLINGWORTH did not think so. The valuation of the Crown. But the land was never put up except upon the application of the man in possession, and if he did not make such an application, he was permitted to continue as the tenant of the land for all time. If he made no application, no one else could make it; and if the land was purchased by anyone else than the licensee, the purchaser had to pay the value of the licensee's improvements before he could get possession of the block. A law of this kind would prevent injustice that was constantly being done by a man going into a place with money in his pocket, and coveting a piece of land upon which a good business had been established. The owner of the business had perhaps put every shilling into it, and was not prepared to buy the land. What was the result? The speculator would go into the auction room and buy, not the land which belonged to the Crown, but the business which was the property of the individual. The Crown really sold not the land which was theirs, but the licensee's goodwill, the man's business.

THE PREMIER: Has that often happened?

MR. ILLINGWORTH said it had constantly happened. The licensee ought not to be dispossessed in this way by the power of money. He would urge the committee not to give way on this matter. If the committee would make it a provision of the Bill that licensees should

have a perpetual license so long as they paid their rent, hon. members would do away with the injustice of which he spoke. A man should have security of tenure so long as he paid his rent.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) could not follow the argument of the hon. member for Nannine, although he put it very earnestly. It was a question of the interests of very few persons, perhaps half-a-dozen, as against the interests of the whole people of the colony, who had a right to expect that the best should be done with the public estate. On the goldfields, land was often sold for very little. Take Coolgardie, for instance, where the town sites had been parted with for a few pounds. The licensees of business sites in a central part of the town might pay a small rent for very valuable land, and "dummy" them, in order to turn them to account. At Menzies' he was told that dummying of this kind had gone on, so that when the place went ahead, the licensees might buy the blocks at the upset price, with an excessive valuation of improvements in their favor. The committee had to guard against practices of that kind; and he did not think it would be wise to give a licensee, who paid £4 or £8 per annum, the perpetual occupation of a property worth £10,000 or £20,000. The small injury that might be done to licensees by the sale of their blocks was not to be compared with the injury the State might incur by giving licensees too much power over their holdings.

MR. ILLINGWORTH: But how if you had sold the £10,000 or £20,000 property in the meantime, while it was worth very little.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): Well the people who bought the land would get the advantage. At any rate there would be public competition.

MR. CONNOR remarked that it had been said that the gold belonged to the State, but it really belonged to the miner. [AN. HON. MEMBER: When he gets it.] The gold belonged to the miner who won it from the earth. The miner very properly was protected when he did find gold. He had his miner's right, which made him the absolute owner of the ground on which he made his find. But the miners would often be in a very sorry plight if it were not for the storekeepers who kept them going while they were seeking to develop the gold bearing resources of the colony. Hence the business licensees were deserving of some

consideration in the matter of tenure of their holdings. They had such an important part in the prosperity of the goldfields that he thought the Committee should deal in a very liberal spirit towards them.

THE ATTORNEY - GENERAL (Hon. S. Burt) said no doubt there was some merit in what had been urged on behalf of the licensees. No one wanted to disturb the *bona fide* business man, who took up a store upon a goldfield for the purposes of trade, and who should not be deprived of his goodwill in the manner described by the hon. member for Nannine. The Government wanted to protect the genuine trader. At the same time they wanted to prevent some other enterprising gentleman putting down, say, 500 miners on as many town lots for the purpose of "dummying" the land. What they wanted to do was to protect the man who was found in a locality where the Government proclaimed a township. The question of securing to miners the right to a residence site also demanded some attention. He was prepared to withdraw his proposed new clause, and leave the matter to be dealt with at a later stage.

MR. ILLINGWORTH would like to suggest that the tenure of a business license should be 21 years, the same as that of the miner's right.

THE PREMIER: That would be too long.

MR. ILLINGWORTH said it was because business sites were allowed to be sold that dummying was done. No such dummying took place in Victoria.

THE PREMIER: The licensee may pay £4 and get £400.

MR. ILLINGWORTH said if the State wanted the increment of its land, why not lease it for 21 years, at the end of which time it might be very valuable and it could then be sold without any injustice to the licensee. If the Attorney-General would bring in a Clause providing for the issue of licenses for 21 years it would stop dummying.

MR. LEAKE was of opinion that the Goldfields Act should have nothing to do with the granting of licenses for town lands, but the wording of the eighteenth clause, providing that licenses should be granted for quarter-acre blocks "fronting a street, road, or thoroughfare," clearly implied that the holder of a business license could take up Crown lots. In his opinion business town lots ought not to be held for a long term under business

licenses, which should be issued for country lands alone.

THE PREMIER: But suppose the country lands become a town?

MR. LEAKE said if the country lands became a town, the business licenses should be cancelled; and the former holder could be given another piece of country land.

THE PREMIER (Hon. Sir J. Forrest): What becomes of his house then?

MR. LEAKE: Pay for the house upon a special valuation. But people should not be encouraged to take up town lands under business licenses. The law did not contemplate that, and it should not be encouraged. He believed that, had the system of leasing goldfields Crown Lands which he had proposed last year been accepted, a great deal of the trouble that was perplexing the Committee would have been avoided.

MR. SIMPSON said it was not likely that the Government would get a large price for any town lots on the goldfields in any case. He knew that the Premier valued many of them at from £20 to £25 a piece. Hon. members appeared to have got into their heads the value of lots in Bayley-street, Coolgardie, as the ruling price of goldfields lots; but only phenomenal finds would create such values, and, until the gold was found, the land was valueless. If the business sites were leased, and the increment became great, it was too much to ease taxation. He would be in favor of long leases.

MR. MARMION pointed out that the example of the Victorian law in regard to business sites on the goldfields did not apply. In Victoria, at the present time, no large new rushes were taking place requiring new townships to be proclaimed, surveyed, and sold. The opening up of these townships demanded a large expenditure of public money upon roads, telegraphs, and postal facilities; and how was the State to pay for these things unless it got the value of its land? The State should stand in the same position as the individual land owner, and sell to the highest bidder. No doubt the goldfields members were quite right in trying to do the best they could for their constituents, but it was clearly the duty of the committee to see that the State did not make a bad bargain, and lose legitimate revenue.

MR. ILLINGWORTH, replying to the hon. member for Fremantle, drew attention to the fact that Victoria last year had the largest yield

of gold of any of the Australian colonies. He agreed with the hon. member that Crown lands, in general, should be sold to the best advantage, but, in the case under discussion, it was not the land, but a man's business goodwill that would be sold. It was that which would give the value to the business sites that were occupied, and that goodwill did not belong to the State to sell. The storekeeper, in order to make his business, had probably supplied prospectors with stores on credit for three, four, or twenty-four months, in order to enable them to continue their work of trying to find gold, and, when it was found, and the town-ship was made, surely it was unfair to permit a speculator to come in and reap the fruits of another man's business enterprise. He was satisfied that the House did not want to do anything of the kind, but hoped that the Attorney-General would provide some means of meeting the difficulty, and to check "dummying," which, in any case, was not likely to come into existence. The law permitting business sites to be sold upon the application of the licensee had been very carefully framed, upon the teaching of experience in another place, and he did not think that the Committee could do better than adopt it. He would like to ask the Attorney-General whether he would insert in the clause the words "not an Asiatic or African alien," after the word "person" in line 3, so as to preclude these aliens from obtaining business licences on our goldfields.

MR. CLARKSON said it was absurd to give a man a perpetual lease of a piece of land at a rental of £4 a year because he chose to erect a tin shanty upon it, and he did not see why the land should not be sold by auction for the benefit of the State.

MR. ILLINGWORTH: Yes, but do not sell the man's business as well.

MR. CLARKSON said he quite agreed with what the hon. member for Fremantle had said, and hoped the Government would not allow a monopoly to grow up.

THE PREMIER (Hon. Sir J. Forrest) said the cases referred to by the hon. member for Nannine occurred very rarely. He did not know of any instances, except one, in which a business was sold over the head of the man who held the license for that business, but it could easily occur, and, in order to obviate that, the Government had resorted to the plan of increasing the valuation largely so as to give

the original holders the preference. The valuations placed by the Wardens had, no doubt, been very liberal, and there were some objections to putting excessive valuations on improvements. While believing it was desirable to discourage bogus occupation, he agreed with what the hon. member for Nannine had said, and he believed that something could be done that would suit both sides.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the suggested amendment by the hon. member for Nannine as to Asiatics and African aliens, was already in the new clause which he proposed to introduce.

Amendment (to strike out the clause), by leave, withdrawn.

Clause, as previously amended, put and passed.

Clause 19—"Miner's right and business license."

MR. ILLINGWORTH moved, as an amendment, to strike out the clause. He said it was not desirable to encourage people to fall in arrears with their payments for business licenses. The fees were not likely to be very heavy, while extra encouragement to pay promptly was offered by the reduction of the charge for a miner's right.

MR. LEAKE said he hoped the Attorney-General would bear in mind the effect of certain words in Clause 18 on the Clause under debate, which contemplated the right of removal of a business license, although Clause 18 did not. Would the Attorney-General consider that question?

The ATTORNEY-GENERAL (Hon. S. Burt): Yes.

Amendment put and negatived.

Clause put and passed.

Clause 20—"Lands exempted from occupation":

THE ATTORNEY-GENERAL (Hon. S. Burt) moved some verbal amendments in this clause, which were agreed to.

Clause, as amended, put and passed.

Clause 21—"Governor may exempt other lands":

THE ATTORNEY-GENERAL (Hon. S. Burt) moved to insert between the words "shall" and "be" in line 3, the words "subject to the provisions of the next following section." He said that Section 20 dealt with certain lands exempted from occupation which were dedicated to the use of the public. The clause under consideration enabled the

Governor to exempt other lands in special cases, and the following section empowered the Governor to allow mining under the surface. The effect of the amendment would be to enable miners to work on land excepted under special circumstances.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 22—"Excepted or reserved lands may be mined upon":

MR. ILLINGWORTH moved to insert after the word "lands" in line 5, the words "not exceeding twenty-four acres." He said the clause authorised the holder of a miner's right to occupy any Crown lands which may have been excepted, for mining purposes. "Any Crown lands" he contended might include the whole of a racecourse or a cricket reserve, and as the clause, as worded, any miner could work on such property. If the area were limited to twenty-four acres, a possible difficulty would be avoided.

MR. MARMION said the clause was subject to the other clauses of the Bill which provided that an area not exceeding twenty-four acres could be taken up, and therefore the amendment was unnecessary. Besides, the insertion of the words would make it appear that the land should be taken up under a system of acreage.

THE ATTORNEY-GENERAL (Hon. S. Burt) said the clause would not give the miners any more extended rights than they had under the Regulations.

MR. LEAKE said that, under a miner's right, a man could only take up an area of 50ft. by 50ft., and therefore the amendment was not necessary. The clause simply gave authority forming under the surface to any distance, but operations on the surface were restricted by other provisions of the Bill.

MR. ILLINGWORTH said that a certain number of miners could combine, and insist upon the right to mine on any reserve, under the clause as it stood, while, in another case, an instance of which he knew, a number of men had secured the right to mine under a certain property in a mining district, and had secured three distinct reefs. He desired that, however many miners might combine, no one company should be allowed to take up more than twenty-four acres.

Amendment put and negatived.

THE ATTORNEY-GENERAL (Hon. S. Burt) moved some verbal amendments, which were agreed to.

Clause, as amended, put and passed.

Clauses 23 and 24:

Put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10.35 o'clock p.m.

Legislative Assembly.

Wednesday, 4th September, 1895.

Erection of Lighthouse at Cape Naturaliste—Declaration of Toodyay as a "Clean" District under the Scab Act—Leave of Absence for Mr. Monger—Parks and Reserves Bill: first reading—Electoral Bill: first reading—Wesleyan Methodist (Private) Bill: first reading; referred to a select committee—Removal of Railway Workshops from Fremantle—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

PRAYERS.

ERECTION OF LIGHTHOUSE ON CAPE NATURALISTE.

MR. COOKWORTHY, in accordance with notice, asked the Premier, whether it was the intention of the Government to erect a Light house on Cape Naturaliste.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government hoped to do so, but it was not yet certain when the work could be undertaken.

TOODYAY AS A CLEAN DISTRICT UNDER THE SCAB ACT.

MR. COOKWORTHY (for Mr. Throssell), in accordance with notice, asked the Premier, When the district of Toodyay would be declared a "clean" district under the Scab in Sheep Act.

THE PREMIER (Hon. Sir J. Forrest) replied: When (in the words of section 11 of the Scab Act, 1891) the district shall have been reported to the Governor-in-Council by the Chief Inspector of Stock to have been "clean," that is, free from scab, under the certificate of an Inspector, during a period of one year.