

Legislative Assembly,

Wednesday, 1st August, 1894.

Personal Explanation: Provision for a Hospital at Cue—Preservation of Trees on Goldfields—Erection of Jetty and Goods Shed at Condon—Roebourne-Cossack Tramway—Further Correspondence respecting the Aborigines Protection Board—Leaseholds under Homestead Act—Address in Reply to the Governor's Speech: Adjourned Debate—Bankers' Books Evidence Bill: second reading—Fencing Bill: second reading—Adjournment.

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

PRAYERS.

PERSONAL EXPLANATION: HOSPITAL ACCOMMODATION AT CUE.

THE PREMIER (Hon. Sir J. Forrest): I desire, sir, to ask the indulgence of the House while I make a personal explanation. In doing so I may say that, as a rule, I am not averse to criticism. I think that I can stand fair, and somewhat unfair, criticism as well as most people; but when gross misrepresentations are made, reflecting on me as an honourable man, and one having humane feelings, I think no one could expect I should sit down and not say anything in regard to those imputations. Yesterday the hon. member for Nannine (Mr. Illingworth) made a statement in this House, that I had declined, during my visit to the Murchison goldfields, to provide funds for the sick miners at Cue; and when I asked him on what authority he made the statement, he said his authority was the medical officer at that place. I at that time replied that if the medical officer had made such a statement, he had not stated what was true. I reiterate that again. To-day I have received from the hon. gentleman, the member for Nannine, some printed cuttings taken from the *Victorian Express*, in which a special reporter of that paper makes the following statement: that when the Premier was asked for a sum of £35 for the immediate relief of suffering diggers, he was shocked at the largeness of the demand, and after a long harangue cut the sum down to £5. Now I am aware that the hon. gentleman (Mr. Illingworth), during his canvass in that district, made use of

that statement—at any rate, it has been so reported to me on reliable authority—with reference to me. I wish to say I made no such statement to the doctor, or to anyone else, on the Murchison goldfields. On the contrary, I authorised the Warden—who had authority to do so under his general powers, without my telling him—I gave him personal instruction to have all sick persons cared for; and I told the Progress Committee of that town that all persons without means would be looked after by the Government. Requests were made to me, during my visit to Cue, in regard to the hospital; but no complaint of a definite character as to the treatment bestowed upon patients was made to me, though one or two complained personally of the doctor. At that time, not only had the Government supplied a medical man for that field, but also there was a local committee formed, which had the matter in hand. I may inform the House that large amounts have been and are being expended by the Government, both on the Murchison goldfields and at Coolgardie, to provide for persons without means who are sick or in want; and that is part of the general conduct of the affairs of the colony from one end to the other. I have thought it right to make this personal explanation, because my character has been defamed. I have been held up as a man without feeling for those who are sick and in trouble; and I think the hon. gentleman, before he dared to make such a statement in this House, and during his canvass, might have taken the trouble to ascertain the fact. If it is a fact that the doctor made the statement, we will see more about it; because the doctor told a deliberate falsehood, if he attributed any such statement to me. I have thought it my duty to put myself right before this House and the country, by making this explanation.

MR. ILLINGWORTH moved the adjournment of the debate, to put himself in order in replying, and said: The hon. the Premier says that he is certain the doctor did not make that statement. The only inference that can be made from such a denial is that I invented the statement myself. I beg to assure the Premier that such is not my habit. I waited on the doctor at Cue, by request, in response to a letter which he

left at the hotel for me; and he made that distinct statement to me. It was because of the statement made by the doctor himself that I made the statement yesterday in my speech. Dr. Monteith, who is in charge of the hospital at Cue, said he asked the Premier for some further help to place beds under men for whom he had no accommodation. He said that one man had to lie outside the hospital the whole night because there was no such accommodation; and that when the Premier asked how much he required, the doctor said it would take £40 to £45; and the doctor told me the Premier said, "Well, make it £35." If there is any incorrectness in the statement it is with Dr. Monteith. I have to-day posted a newspaper to the doctor, showing the denial of the Premier; and if there is any misstatement, it is with the doctor himself. If such statement was made by the doctor, I was perfectly justified in using it in my campaign; and, if any wrong has been done to the Premier, he ought to be thankful that such a statement has been made in this House, so that he might have the opportunity of denying it, as he has done to-day.

THE SPEAKER: I cannot put the question which the hon. member for Nannine has moved (the adjournment of the House), because, according to our Standing Orders, a motion for adjournment can only be made for the purpose of debating some matter of public urgency. This is not a matter of urgent public importance, and therefore I cannot put the motion to the House. I have allowed the hon. member some latitude to make his reply, but no discussion can take place upon a matter which is the subject of a personal explanation, and it is only by the indulgence of the House that a member is allowed to explain matters of a personal nature.

PRESERVATION OF TREES ON GOLDFIELDS.

MR. JAMES, in accordance with notice, asked the Commissioner of Crown Lands whether the Government would take steps to carry out the suggestions made by the Coolgardie correspondent of the *West Australian*, in its issue of the 30th ultimo, relating to the preservation of trees on the goldfields.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that he would communicate with the Wardens of goldfields, with a view to the preservation of good and useful trees on the routes to, and in the vicinity of, the various mining townships.

ERECTION OF JETTY AND GOODS SHED AT CONDON.

MR. RICHARDSON, in accordance with notice, asked the Colonial Treasurer whether a sum would be provided on the Estimates for 1894-95, for the erection of a jetty and goods shed at Condon, to meet the requirements of both the DeGrey settlers and the Marble Bar and Bamboo Creek goldfields.

THE PREMIER (Hon. Sir J. Forrest) replied that the Government hoped to be in a position to make provision for these works on the Estimates.

WORKING OF ROEBOURNE-COSSACK TRAMWAY BY STEAM.

MR. RICHARDSON, in accordance with notice, asked the Commissioner of Railways—

1. Whether the Government had any intention, in the near future, of running the Roebourne-Cossack Tramway by steam.

2. Whether, in such case, they contemplated converting the line into a 3ft. 6in. gauge.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that—

1. The Government had no present intention of running this line by steam.

2. It was not contemplated converting the line into a 3ft. 6in. gauge at present.

CORRESPONDENCE RESPECTING ABORIGINES PROTECTION BOARD.

MR. SIMPSON, in accordance with notice, asked the Premier whether he had any further correspondence regarding the Aborigines Board; and if so, whether the House would have an opportunity of perusing it at an early date.

THE PREMIER (Hon. Sir J. Forrest) replied that further papers would be placed on the table next day.

RETURN SHOWING APPLICATIONS FOR
LEASES UNDER HOMESTEADS ACT.

MR. RICHARDSON, in accordance with notice, moved for a return to be laid on the table showing—

1. What area of land had up to date been proclaimed as open for selection as homestead leases under the Homestead Land Act, 1893.

2. In what districts such areas are situated, to what class they belong, and the respective quantities in each district.

3. The number of applications received for homestead leases, and the areas thereof, and in what district situated, and their class.

4. The number granted.

5. The date on which the first area (if any) was proclaimed as open for selection under the homestead leases section of the Act.

The hon. member said: In moving for this return I may say that I consider the matter of sufficient importance to justify my bringing it before the House. It may, perhaps, appear unimportant in the eyes of many members, a return of this kind. Others may think there is a little sarcasm at the bottom of it. Perhaps there may be; it will depend upon the nature of the reply. If the reply is such as we hope it may not be, then, perhaps, the motion may appear to savour somewhat of sarcasm—that is, if it turns out there is no return to make. I think every member of the House will recognise that the settlement of the land is a very important question; and if such a very comprehensive and important measure as the Homesteads Act is allowed to lapse, or to remain a dead letter, there must be either apathy on the part of the department or on the part of people for whose benefit the Act was passed. In either case it is lamentable to think that no advantage should be taken of an Act of this kind. I maintain, in the face of all adverse criticism—and I flatter myself I know something of the subject I am talking about—I maintain that this Homesteads Act is one of the very best measures of land legislation in the whole of Australia. I make no exception to any of the colonies. They may have very grand and very comprehensive measures, suitable to their own condition, but they would be utterly un-

suitable for the conditions existing in this colony. This Homesteads Act is a measure that is fraught with possibilities of the greatest importance for the welfare of this colony, if the Act is administered in an intelligent and energetic manner—though I am afraid there are features in it which, to a great extent, defeat the usefulness of the Act. I decline, myself, to accept any responsibility as regards those features; they were protested against by many practical members of this House when the Bill was before us, for it was felt that these defects in the Bill would go a great way towards blocking the whole thing. I allude particularly to that provision requiring survey before selection. I maintain, and always have maintained, that survey before selection is totally unsuited to our conditions of settlement; and, I am afraid, if it is insisted upon in this measure, or any other measure, it will carry within it the element of its own downfall. If the Government are in earnest, and can see their way to amend this defect in the Act, so that free selection may be allowed over any areas open for selection under the Act, both as regards homestead leases and homestead blocks, classification of the land to take place on the selection, the applicant when sending in his application being allowed to name his own class—subject, of course, to confirmation or otherwise afterwards—I believe, if the Act were amended in this direction, we should have the work of land settlement going on apace. I believe it would have been far better than the existing provisions of the Act if we had accepted the practical suggestion of the hon. member for Beverley last session, that classification should take place in zones, judged by the distance of the land from a railway. Such a system of classification would no doubt have been a rough one, but it would have possessed the advantage of being automatic; and we should now, I firmly believe, have some hundreds and thousands of acres of land taken up under this Act, and a large number of industrious *bona fide* settlers would now be engaged in the work of clearing, ring-barking, and fencing, and other operations necessary for the settlement and utilisation of the land. Instead of that, what is the case now? I am afraid the whole thing has been allowed to lapse and become

inoperative, for the want of the right kind of administration.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I am afraid, as the hon. member himself has hinted, that when he placed this motion on the notice paper, he must have known there was an element of sarcasm about it, for, no doubt, the hon. member was well aware that up to the present time no lands have been set apart for homestead leases, under the 18th section of the Act.

MR. RICHARDSON: I was not so aware.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): Then I beg the hon. member's pardon. As a matter of fact, then, I may tell him that no areas have been set apart, so far, under the homestead leases section of the Act. I may also tell him that I have had some trouble in dealing with this matter, and that at the present moment there is a large area of land being set apart—taking in something like ten miles on each side of the Yilgarn railway line, from the Meckering Area up to Southern Cross. This has been mapped out, showing how the land has been classified, and I shall be glad to lay the map on the table so that members may see what is being done in this direction. But there have been difficulties in the way of setting lands apart for this purpose in other parts of the colony, difficulties which cannot be overcome without altering the Act. No doubt a very great mistake was made when this Act was passed through the House last year, and that some alteration will have to be made with regard to applications for these homestead leases. To my mind, about the only way of getting over the difficulty would be to declare the whole of the land within the South-West Division to be open for selection for the purpose of these homestead leases. An alteration ought also to be made with regard to the conditions at present applicable to homestead farms. The alternate block system must be done away with. It has given no end of trouble to the department, and I feel sure, from the experience I have had since the Act came into force, that it must be altered in this respect; and I have no doubt we shall take an opportunity, during an early part of the session, to suggest such an alteration as will, to a great extent, remove the difficulties we have been labouring under.

No doubt, the hon. member will be prepared then to assist the Government in making these alterations. I can only assure him that I have been most anxious myself that this Act should prove a success, especially with regard to homestead farms. As to homestead leases, I confess the hon. member is more sanguine as to the success of that portion of the Act than I am. Still, I think these leases will be taken advantage of when the conditions are modified. At the present time, perhaps, it would be waste of time to dwell upon this motion, but I may say that the return asked for cannot be prepared for the simple reason that the answer to his questions would be simply—*nil*.

MR. THROSSELL: The great drawback, to my mind, to the Homesteads Act being availed of, is the want of more publicity being given to its provisions, and the conditions as to the alternate block system and survey before selection. If these drawbacks had not existed, we should have been able to have shown more satisfactory results and greater progress of settlement. I believe that in the other colonies they allow the applicant to classify his own land, according to the position of it, and afterwards it is verified by the department; and, I think, probably that would be a good thing here.

THE PREMIER (Hon. Sir J. Forrest): As I have taken considerable interest in this Homesteads Act, I should just like to say that the proposition of the hon. member for the DeGrey, as to allowing free selection with regard to homestead leases, is surrounded with very considerable difficulties. Applications would require to be made, and there would be great differences as to what is first, second, and third class land, and we should have to send an officer to look at every applicant's land, probably long distances apart. This officer might approve of one application, and disapprove of another. The whole question, as I say, is surrounded with difficulties. If it is possible to suggest some plan by which it may be done, and it would work, I should be very glad to consider it; but, for my own part, I do not see how this principle of free selection before survey is to be adopted in regard to these leases, without having a large staff and incurring a great expense.

MR. ILLINGWORTH: With regard to this question of selection before survey, I may inform the House that we had a similar difficulty in another colony, and the difficulty there was overcome in this way: the applicant had his own survey made, and before he could go upon his land he had to pay the department the cost of the survey. I see no difficulty in a surveyor, who has to survey a block of land, sending in his report upon the classification of that land when he sends in his survey, and so settle the question of what class of land it should be placed in. I am perfectly satisfied that, if the lands of this colony are ever to be settled, they will have to be settled on the principle of free selection before survey. We had to fight all these difficulties out in Victoria years ago—it almost created a revolution, because the Government entertained views in reference to land settlement which the Government here seem to entertain. But the whole question was eventually disposed of; and one name which stands higher than any other in the past history of Victorian land legislation is that of James Macpherson Grant, who pushed forward the principle of selection before survey, which led to a large amount of settlement; and I would suggest the adoption of the same principle in this colony.

THE PREMIER (Hon. Sir J. Forrest): We have had it here for the last twenty years.

MR. ILLINGWORTH: It is the question before the House. I do not wish to re-open the whole question.

MR. HARPER: I am very much afraid that the steps taken by the department as regards the mapping and classification of land between the Meckering Area and Southern Cross will be just as much a failure as the steps they have taken with regard to agricultural areas; that is, a great deal of money will have been spent that was not required to be spent, and that the desired result will not be attained. The fact remains that the Government select land for these purposes that people do not want. What the hon. member for the DeGrey pointed out, and what we are all aware of, is that the Government have laid out a considerable amount of money in surveys, and drawing plans, and advertising lands which are not required at all at present, and probably will not be

required for a long time. That is what I am afraid will be the result of their latest action in this direction, indicated by the head of the department.

Motion put and passed.

ADDRESS-IN-REPLY TO THE GOVERNOR'S SPEECH.

ADJOURNED DEBATE.

MR. R. F. SHOLL: Sir, I think this debate on the Address-in-Reply has been continued now over two sittings, and it is not my intention to occupy the time of the House very long. The matter has been very thoroughly threshed out by members who have spoken on different sides, and I need not now go over the same ground. The whole gist of the Speech, or the main point of it, is included in the paragraph announcing the intention of the Government to bring forward a Loan Bill of £1,500,000, to be expended on certain public works. It is to be regretted that the Government have been forced to come before the House so soon to ask for a further loan. I am not going to quarrel with the Government for coming to the House for this purpose, because I think it has been forced upon them. It is absolutely necessary, I think, that we should develop our goldfields; I suppose everyone recognises that, and that the best means of doing so is to connect them by railway with the centres of population. This political pudding, in the shape of a Loan Bill, placed before us by the Government, appears on the face of it a very good pudding. It has been well cooked and well seasoned, but rather spoilt in the selection of the plums put in it. While we may, all of us, approve of some of the works included in the Bill as works of immediate necessity, that is no reason why certain other works, which might very well wait for a future time, should be tacked on, and carried out under the wing of these necessary works. We are told that, in addition to the two goldfields lines, it is proposed to extend our railway system from Donnybrook to Bridgetown, and we have been told by the Premier that this line may eventually be carried on from Bridgetown to Albany. I think, myself, we have built quite enough railways for developing agriculture, and I think we want to confine our attention now to the

development of other resources of the colony. I myself shall be averse to sanction any Loan Bill for works other than those absolutely required for developing other industries of the country than agriculture. We have already constructed a railway from Perth to the Vasse in order to encourage agricultural settlement, and we have other railways in the colony for the same purpose; and I think we might very well wait, for a time, to see what effect these railways will have in developing the agricultural industry, before committing the country to any further expenditure in this direction. If we want more agricultural railways I think we should pay more attention to the construction of cheap feeding lines for our present trunk lines, in such districts as the Williams—a district where there is a considerable amount of settlement and cultivation, and where the settlers would have something to bring into the market. We ought to attend to the wants of districts where the lands are already cultivated, and where there is a large amount of produce to come by rail, instead of extending our railways to land not yet cultivated. Another reason why I object to building a line which we are told is destined to extend to Albany is this: I think it would come with very bad grace from us to build another line to compete in opposition with the land grant railway already constructed between here and Albany. No one can find fault with the way this Great Southern Railway Company have carried out their agreement, and I think they deserve every sympathy from the Government, and every assistance that it is possible for us to give them, instead of building a line in opposition to them. There is another item: the proposed line to the Collie coalfield. I do not wish, at present, to express any decided opinion with regard to this particular line, because we have no information yet before us. I do not know what the object of the Government may be in building this line—whether they intend to work these coalfields themselves, if it is ascertained there is available coal of good marketable quality there, or whether it is intended to let others work them. If the Government are going to build this railway for the purpose of working these fields themselves, I shall certainly vote against it.

I think it would be better, if it is proved that there is coal there in payable quantities and of good commercial quality, for the Government to allow private enterprise to work these fields. [THE PREMIER: Hear, hear.] I am sure it would cost the Government 25 per cent. more to work any industry than private enterprise; therefore I hope the Government do not propose to work these coalfields themselves.

THE PREMIER (Hon. Sir J. Forrest): We never suggested it.

MR. R. F. SHOLL: I am not prepared, as I said before, to express any definite opinion upon this line at present, as we do not know what there is to justify the Government in proposing it. With regard to the harbour works at Fremantle, as we have made a commencement with these works, it is well we should raise the money for their completion. In their present unfinished state they are of very little use. We have spent a lot of money in their construction, and the sooner they are finished and made use of, and some return obtained for the outlay, the better. With regard to the other items in the programme of the Government, I do not propose to deal with them now, but shall wait until they come before us in the Loan Bill. But I do object to the Government tacking on to this Bill a lot of items for which there is no necessity, and trying to carry them under cover of other works of acknowledged necessity.

THE PREMIER (Hon. Sir J. Forrest): What items do you refer to?

MR. R. F. SHOLL: The Bridgetown line, for one, and the Collie coalfields line, for another; also certain public buildings, and many other works which were hinted at in the Premier's Speech at Bunbury. I do not think the Government themselves yet know how this loan is to be appropriated. They have told us to wait until we get further information with regard to these matters. I do not think the Government themselves are in possession of that information yet. If they are, the first thing they ought to have done was to have placed that information before the House. One item which is referred to in the Governor's Speech is the proposed establishment of what is called a Land Bank, for the purpose of lending money to farmers on

their freeholds. I shall not deal with this proposal now, until the measure is before us. It has been dealt with by other members, and condemned as a dangerous principle. It is, at any rate, an experimental scheme; but it is very hard to express any definite opinion upon the subject until we see the Bill before us. Another matter referred to in the Premier's speech at Bunbury, though no reference is made to it in the Governor's Speech, is the proposal to build a Museum, and also a Mint. I think these are buildings that might be dispensed with for the present. I should prefer to see the Government giving their attention to building a lunatic asylum somewhere out of town, and removing the present asylum from Fremantle, as it is really a disgrace to any civilised community. That building was erected in the early days of the colony, if I mistake not, for prison purposes, with very limited accommodation, and it has been used by the colony as an asylum ever since. I had hoped that the Government would long since have recognised the necessity of finding a better site for this institution somewhere in the country, quite out of town, where improved accommodation might be provided for the unfortunate inmates, and where those who are only temporarily afflicted might be kept apart from confirmed and dangerous lunatics, instead of all classes mixing together, as they do at present. I think this is a national disgrace to us. Under the present system there is no chance for the recovery of the unfortunate patients. The Government think nothing of spending thousands of pounds in other directions, but they do little or nothing to alleviate the position of the wretched inmates of this our only lunatic asylum. Instead of spending £3,000 or £4,000 in making additions to the present building, which is totally unsuitable, they ought to look out for a fresh site, and provide a building affording decent accommodation for the treatment of the insane. I think another matter that might be taken in hand by the Government is an institution for the blind. I consider it the duty of the colony to see that those who are afflicted with such a misfortune as the loss of sight should be looked after and cared for. We have no such institution in the colony, and I think the sooner it is taken in hand the better. If it comes

to a question of a little extra taxation, I am sure the people of this colony would not begrudge an expenditure of even £200,000 to have proper institutions for those who are unfortunately afflicted. There is another matter referred to by the Premier in his speech at Bunbury, but which I notice has dropped out of the Governor's Speech, and that is the question of cold storage.

THE PREMIER (Hon. Sir J. Forrest): It has not dropped out of our programme.

MR. R. F. SHOLL: It is not mentioned in His Excellency's Speech, and I had hoped that the Government had altered their opinion about the matter. The Premier, in his Bunbury address, stated that the Government proposed to build a public market at Perth, and to establish cold storage in connection with it. I have no objection to a public market at Perth, or Fremantle, or anywhere else where it may be required; what I object to is, the Government, with public funds, entering into competition with private enterprise for providing cold storage. A private company was started and established for this purpose in Perth, three years ago, and spent about £8,000, from which they have had no return yet, and I believe this company has sufficient accommodation to accomplish all that is required. I believe they had some dispute with what was called a Creamery Company, a small affair which started with a nominal capital of £250, of which probably not more than £100 was called up. This company being unable to do anything itself in the way of providing cold storage, and having quarrelled with the Ice Company, formed itself into a deputation to wait on the Premier, who pledged the Government to assist them in this matter, which I contend the Government had no right to do. The Government should encourage private enterprise, and not try to stifle it. If they want to subsidise private enterprise, in order to keep down the price of meat, it would be better if they subsidised some company that was prepared to come forward to construct public abattoirs in some convenient place, somewhere out of town, in the vicinity of a railway, where live stock might be slaughtered, and the carcass supplied to the butchers in the neighbouring towns. Unless this is done, and the present butchering ring broken up, con-

sumers will never get their meat at a reasonable price. This would be for the benefit not only of the consumer, but also for the benefit of the butchers themselves. Butchers at present, we know, have to keep up extensive and expensive slaughtering establishments of their own; they are also put to great expense in having to purchase large quantities of stock, which fall away in condition before they are all slaughtered; and in this way the butchers lose a great deal of money, and they have to charge a high price for their meat in order to make it up. With regard to the goldfields lines of railway which the Government propose to build, the Government have been twitted with having built a line to Yilgarn on speculation, and it has been stated that the bottom has fallen out of the Southern Cross mines. I think that is quite a mistake, and whoever made that statement spoke without his book. I think it was the member for Albany who made it, and that it was backed up by the member for East Perth. So far as the Southern Cross mines are concerned, I think they are just as promising at the present time as ever they were. Some of them are paying a dividend, and are employing a large number of men. There are greater attractions, no doubt, farther on, in the rich mines at Coolgardie; but Southern Cross has done its work, and, if it had not been for Southern Cross, I do not suppose Coolgardie would have been discovered to-day. Coming to another subject, I think it was the hon. member for Nannine who accused the present Government of introducing the stock tax. That stock tax has been the cause of a great outcry against the Government for some time past; it was a standing dish at the late elections. As a matter of fact, that tax has been in existence for years. There has always been an import duty on live stock, and the Act of last session was only intended to make the intention of the Legislature more clear as to what was fat stock, and stock for breeding purposes, and to regulate the importation of stock over the border from Queensland. I am a free trader myself, and I object to a tax of any kind upon the necessities of life; but when we find flour and all agricultural products protected, I think it is rather hard that the only commodity which pastoralists produce should not be pro-

tected as well. I think one industry requires as much protection as the other; and, if we wish to be consistent, we should either knock off the present protective duties on the farmer's agricultural products, or retain a moderate duty on the squatter's live stock. I should like to point out that we can get stock cheaper from Adelaide here than from Roebourne or Derby, and more rapidly, and more regularly. There is one matter I should like to ask the Government about—no one has alluded to it yet—and that is, what has become of that important Civil Service Commission appointed last year.

THE PREMIER (Hon. Sir J. Forrest): I believe they are working away.

MR. R. F. SHOLL: I should like to know what they have done, and when the House is likely to be placed in possession of their report, and whether any good is likely to come out of it. I am told there is a secretary to the Commission who receives about £150 a year, and that there is a reporter who gets a guinea a sitting, and so much a folio. I hear they only sit an hour or an hour and a-half each day, and, so far as I can learn, they do very little. What I should like to do—and I think I shall table a motion to that effect by-and-by—is to move that this Commission be cancelled. It may last for the next twelve months, and by that time the Government will probably have found it necessary to reduce the number of civil servants, and many of the suggestions of this Commission will be useless. Unless something practical is soon done, and the report of the Commission placed before the House, it would be better to cancel the Commission. I do not anticipate, myself, that when they do furnish their report they will have done any good.

THE PREMIER (Hon. Sir J. Forrest): Why didn't you accept a seat on the Commission when it was offered to you?

MR. R. F. SHOLL: Because I did not think that, being a member of this House, it would have been proper for me to sit on that Commission, and I think the same remark applies to those who sit on it. There is another question I should like to ask the Government about: without the sanction of Parliament, they appointed a gentleman as a veterinary surgeon, to inquire into the disease known as rickets, or wobbles. I believe that gentleman has drawn a salary of some-

thing like £600 a year for months past, and I have never seen a report from him yet, and no one seems to know what he is doing. I do not believe the Government themselves know. I am told he expects people who have cattle affected by this disease to bring them, sometimes a distance of a hundred miles, for him to examine them. I think it his duty, if he is worth his salt, to travel about the country, and furnish a report to the Government; and if the Government have any reports from him they should publish them. It is no use appointing highly paid officers of this kind without having the results of their inquiries made known. There is another question I want to refer to, and that is with reference to our telephone service in this city. I do not know what the revenue is from this service, but I know perfectly well that there are many people supplied with free telephones who are not entitled to the privilege.

THE PREMIER (Hon. Sir J. Forrest): Who are they?

MR. R. F. SHOLL: The Premier himself is one, and the other Ministers have them. All the heads of departments, I believe, also have them, and the under secretaries, chief clerks, the Judges, magistrates, and others. The Premier shakes his head, but I know it. Magistrates have them, and chief clerks.

THE ATTORNEY GENERAL (Hon. S. Burt): Wrong again.

MR. R. F. SHOLL: I am not wrong. Many others who are not entitled to them have them. I do not know what authority the Government have for thus increasing the emoluments of office of highly paid officials, for they seem to be the favoured ones. Our worthy Speaker also has one, and the President of the Legislative Council; I do not see why they are entitled to free telephones. Probably we shall now have one provided for the Chairman of Committees. If the Government are going to supply our highly paid officials with a free telephone, I think they should also extend the same privilege to the lower branches of the service. I know there are four wires running past my place, and three out of the four are free telephones. I do not see any reason why the Judges should want free telephones. Surely to goodness they get salaries high enough for what they do. Nor do I think that magistrates require them.

Some of the Ministers may, but I think only for official messages, and not for private or domestic purposes. I can quite understand why the Commissioner of Police should have a telephone, and possibly the Postmaster General—

THE PREMIER (Hon. Sir J. Forrest): What about the poor Premier?

MR. R. F. SHOLL: The poor Premier should also have one for official purposes only; if he wants it for private purposes he should pay for it. The only qualification entitling a person to a free telephone at present seems to be that he is a highly paid official. I hope someone will call for a return showing all those who are provided with free telephones. I hear that my friend the Commissioner of Railways has a free telephone laid down to his house at Dardanup, connected with the railway telephone. I do not suppose that is required particularly for official purposes, when the hon. gentleman goes into retreat at Dardanup. I say it is an abuse that should not be tolerated, all these free telephones to highly paid officials. I think I have now nearly said all I have to say. Although I have taken exception to some of the items included in the Government programme, and have condemned some of their actions, I may say that I have confidence in the individuality of the Ministry. There are many of their actions that I agree with; and I intend to support them when I think they are right, and to oppose them when I think they are wrong. I am not going to swallow all the items in their Loan Bill *holus bolus*; I intend to vote against some of them.

THE ATTORNEY GENERAL: You will listen to argument I suppose?

MR. R. F. SHOLL: Certainly, I will listen to argument, and perhaps I may yet be convinced. The Government have been accused by one hon. member of not having done one useful thing since they have been in office. I do not think the hon. member who made that statement could have believed it. I think the present Ministry have worked hard, individually, in the interests of the country. I believe the Premier himself takes a little too much responsibility on his own shoulders; he should allow his colleagues to look after their own departments. I think we should be better governed by five Ministers rather than one, each

responsible for the administration of his own department, if they are fit for their positions. There is one matter I was nearly forgetting, but which I should like to deal with, and that is with reference to the arrangement made last session with the contractor for the Yilgarn railway, in the way of offering a bonus for the early completion of the line. It will be remembered that it was decided to offer him a bonus of £2,500 if he completed the railway by the 30th of June last. As I understand, the Government have not acted upon that arrangement or agreement. I hear they have paid the contractor the £2,500, though the railway is not yet completed. So I am informed. I do not see what right the Government had to pay this contractor a bonus of £2,500 if he has not carried out the conditions of the agreement. I am afraid, sir, I have detained the House rather too long. I will now bring my remarks to a close by expressing a hope that the Government will continue to exercise their intelligence and their knowledge in promoting the welfare of the colony, and in administering its affairs in the way which I am sure they can if they like, and which I am sure they are willing to try.

MR. TRAYLEN: I have a great deal of pleasure in informing the hon. member who has just sat down that his surmises with reference to the Civil Service Commission are as nearly correct as possible. I think the report of the Commission will probably be presented about this time twelve months, and that the result of their labours will be almost *nil*. If the Government would forthwith abrogate the Commission, and bring in a Bill providing for a Civil Service Board they would accomplish a hundred times more, and at less expense, than by means of the continuous sitting of this Civil Service Commission, because, when that Commission has completed its labours, the substance of their recommendations—at least according to my judgment—will be that a Civil Service Board should be created. I am glad to have been able to satisfy so completely the hon. member's desire for information on this subject, and to say that, in this instance, he has proved himself an exact prophet, and a good judge of what is passing. Sir, the Government, I suppose by this time, are

almost surfeited with the good things said about their policy; I say "almost" because there have been some discordant notes in the chorus of praise, and very properly so. I doubt whether the House ought to accept, without further information, some of the works that are proposed in this Speech. At the same time, I do not think any of us can for a moment entertain the idea of voting against the two great projects referred to in the Speech, namely, the railway from Southern Cross to Coolgardie and the railway from Mullewa to the Murchison goldfields. What does trouble me, however, is this: a very much more difficult question is to ascertain what is the correct attitude towards those railways already constructed in what may be termed agricultural centres, to make them of the greatest use, to increase the traffic on them, and to place our farmers in such a position that they can more easily compete with those large crops of cereals and fodder that are produced in the other colonies, and come to us at such cheap rates. If anyone in the Ministry can formulate a policy that shall accomplish what I have just indicated, he will really have performed a much greater feat than to have decided that we must have railways made to our goldfields. I am very glad to learn—because I was about to shed tears otherwise—that there are undisclosed secrets in connection with the intentions of the Government during this session, because I do think that the policy laid down in the Speech itself is defective in many parts. I am therefore glad to learn there are some good things still held in reserve for us. Surely one subject that must have the attention of the Government is that of preventing, on a subsequent occasion, a repetition of what we are now passing through in connection with the elections to the Legislative Council. It seems almost beyond belief that any of us should have agreed to an Electoral Act of such a nature as to allow a House to be sitting for days, if not weeks, before it is possible for the returns from some of the provinces to be made known. I can only think, by way of extenuation of myself and others concerned in the passing of that Act, that we had no idea that the elections would be driven so near to the assembling of

Parliament. I hope that someone will rise to the occasion, and provide such alterations in the Electoral Act as will absolutely prevent any recurrence of this sort of thing. I would point out that, unless there be these alterations, the situation will be more acute at the next elections for the Legislative Council, because the present members will retain their seats until the 16th July; and, how there can be any writs issued until that date, I do not know; and then to expect the House to meet about the 25th, when there must be several elections yet to be held, is more than I can at present see my way to. We must, sir, have some alteration in the Electoral Act. Then, again, speaking on behalf of an agricultural neighbourhood, I regret very much that the Government have not agreed, or announced their attention, to re-introduce the Engine Sparks Fire Prevention Bill. To my own constituency this is a matter of paramount importance. It seems in the highest degree unfair to have, by legislation, carried a railway through their midst, and allow it to be a source of so many losses, as it has been in the past, and is likely to prove in the future, unless we legislate to compel the owners of locomotive engines to use spark arresters of an efficient character. I know, sir, that some difficulty is attached to a Bill like this. Is there any Bill that we have ever had before us that is without its difficulty? We have surmounted far greater troubles than are presented by a Bill of this nature, which has already been agreed to by this House, and only thrown out on the representations of the Legislative Council. Now, sir, with the new elements introduced into that chamber under the amended Constitution, and possibly greater responsibility, I think the Government might re-introduce some such Bill into this House, with a good hope of passing it in the other House. Lastly, I shall express my regret that not one syllable of reference is made in the Speech to that matter, which, after all, is more important even than goldfields—the public health of the colony. One is almost horrified to read, in the latest vitality returns, which were only issued a few days ago, of the very large percentage of deaths that occurred during the past three months from what are now recognised as pre-

ventible diseases. His Excellency the Governor, when recently interviewed in Adelaide, had to make some very unpleasant confessions about the sanitary state of Perth. I suppose he referred also to other towns in the colony. Yet, although His Excellency is obliged to publish to the big Australian world this state of things, the Government come down to Parliament and have not one solitary word to say about their intentions with reference to this important matter. Perhaps I shall be told that a Municipalities Bill is amongst the measures promised to be introduced. Well, sir, we have a Municipalities Bill already in existence, and I think I know most of the provisions introduced into the new one; and I venture to say they do not cover in a practicable way—I want to lay stress on that word “practicable”—all those provisions which are necessary for the health of this city, and other towns in the colony. I know that the Bill is likely to include provisions for dealing with sewerage, but I believe it contains no provision for providing the money to carry out sewerage works. In a general way we could have sewers to-day, under the existing Act; but, practically, the Municipal Councils expend their borrowed money in other directions, and there must be some legislation that will give them power to raise special funds for this special kind of work, coupled with the question of water supply, wherever needed. I hope that these are amongst the undisclosed secrets, and the good things, which the Government have to put before us in the near future.

MR. PATERSON: I wish to refer very shortly to one or two paragraphs in the Governor's Speech, and also to some remarks that have fallen from certain members in the course of the debate. When it was first proposed that the debate should be adjourned, and one or two country members objected because they did not want to see time wasted, one hon. member was good enough to say that the country members would next want to be spoon-fed. I think such a remark was entirely uncalled for, coming as it did from a member who, though he lives in town, represents a country constituency. I always notice that these motions for adjournments come from

town members, to whom an adjournment is no inconvenience; but it is hardly fair to country members to adjourn these debates when they can just as well be carried on and brought to a finish. When the debate was resumed on Monday, the hon. member for the Swan gave us some interesting facts and figures relating to the railways of the other colonies and our own railways; but the hon. member omitted to point out the amount it took to build the railways in the other colonies, as compared with the amount it took to build our own railways. Had the hon. member done this, I think it would have put a very different face on the question. Then we had a very neat and sensible speech from the hon. member for Perth, with some fair and honest criticism of the Governor's Speech. We always expect this from the hon. member now representing Perth, and I think we would often do well to follow his suggestions. Next we had a speech from the hon. member for Albany, as to which I heard some whisperings, and perhaps they were heard by others. Then the hon. member for the Moore, in a most guarded way, declined to commit himself to any paragraph of the Governor's Speech. Later on we had to listen to other members, and yesterday we had a very long harangue from the hon. member for Nannine. I certainly did think that hon. member, when he was returned to this House, would have supported the proposal to build a railway to the district which he himself represents.

MR. ILLINGWORTH: So he does.

MR. PATERSON: From what I understood him to say yesterday I thought the hon. member was opposed to it unless it was built by a syndicate.

MR. ILLINGWORTH: I did not say that.

MR. PATERSON: There has certainly been a great change in the policy of the present occupant of the chair which the hon. member occupies as compared with the previous occupant of the same chair, Mr. de Hamel, who was strongly opposed to syndicates. I myself am entirely opposed to syndicates building any more railways in Western Australia. I am sure other members have had quite enough of syndicates for all time. What surprised me most of all, in the course of this debate, was the speech we heard

yesterday from the wise man from the East, who in the most barefaced manner charged the present Government with not having done a single thing for the benefit of the colony since they were in office. I think that was a most sweeping charge to make by any member of this House, more especially a young and inexperienced member, and I felt very sorry to hear it. I think that the hon. member himself must be as much pained, upon reflection, as those who listened to him were.

MR. JAMES: Not at all.

MR. PATERSON: The hon. member cannot in any possible way substantiate the assertion he made—a most sweeping and unfounded assertion—that no single thing had been done by the present Ministry that was worth a jot for the benefit of the colony.

MR. JAMES: I did not make such a statement.

MR. PATERSON: That was what I understood the hon. member to say. I maintain it was a most unwarranted statement to make with reference to a Ministry that has had the confidence of the country for three years and a half, and which still retains that confidence, and also the confidence of most of the members of this House. Many members will perhaps know that I, in particular, had to fight my way back to this House in an extraordinary way. I think the election held in my district was the most amusing one in the whole colony. I am sorry that certain things in connection with it should have occurred; but I had to fight my way in the best way I could with my opponent, and I am glad to find myself again sitting on this side of the House. I am here to support the Government when I think they are right, and acting in the interests of the colony; but if I think they are doing anything which in my opinion is not right, or not in the interests of the colony, I shall certainly go on the opposite side. I have heard one hon. member say they have a "concrete" Opposition now on that side of the House. All I can say, after listening to their speeches, is they do not appear to be at all of one opinion. There seems to be nothing binding them very closely together, neither concrete nor cement, nor anything else. I am not prepared, myself, to swallow the whole of the policy

enunciated by the Government, because there are some proposals with regard to which I shall require more information before I can support them. Members on some of the opposite benches are very fond of saying that they are independent; I can assure them I feel myself as independent as any member in this House, though I sit here. I do not intend now to go through the Governor's Speech, but, when the various proposals come before us in due course, I dare say I shall be able to express as fair, as just, and as independent an opinion upon them as any member of the House.

MR. PEARSE: In common with other members I desire to say a few words on the Speech with which His Excellency opened the session. I feel some little diffidence in rising to address the House after the flood of eloquence we have listened to during the last two or three days; but I feel it is my duty to offer a few remarks. The policy which the Government have brought down for our approval is, as has already been said, a policy of raising another loan, and of expending the money on public works. With that policy I think most of us are in accord, generally. I do not know how we are to develop the vast resources of this country except with borrowed money. If our goldfields are to be developed we must have railways to connect them with the centres of population, and we must borrow money to build those railways. One thing is certain, the revenue of the colony is not sufficient for the purpose, and I see no other way of doing it except by means of borrowed capital. For my own part, I shall most cordially support the construction of a railway to Coolgardie, which I think is a most desirable work; and so far as I can see at present, I shall also support the proposed line to the Murchison goldfields, which, in my opinion, is another most desirable work. But, with regard to the proposal to build a railway to the Collie coalfield, I am not at present disposed to accept that proposal. I want first to be satisfied that we have a payable coalfield there, and that the coal is of good commercial quality. With regard to the extension of the railway to Bridgetown, I shall also require more information than we at present possess with reference to that work before I can support it. As to the extension of the harbour works at

Fremantle, I consider that a most necessary work, and I think the Government are acting wisely in making provision in their Loan Bill for this valuable and great national work. With regard to other measures referred to in the Governor's Speech, I shall be most pleased to support them so far as I am able conscientiously to do so. I am glad to be able to congratulate the Government on their return to office, and also so many of their supporters. I think the late elections have shown that the policy adopted by the Government in the past has met with the approval of the country, and I shall be very much pleased myself to support them in most of their promised measures.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): It is not my intention at this stage of the debate, when most members have exhausted themselves, and exhausted most of the arguments they have at command, in dealing with the Governor's Speech, to dwell at any length upon the various topics that have been touched upon. I think it would, to a very great extent, be a waste of words on my part, and a waste of hon. members' valuable time, to dilate at any length upon the subjects that have cropped up in the course of this very long debate. Therefore I shall confine myself to dealing with some few of the remarks that have fallen from a few hon. members, more especially when addressing themselves to what may be termed a somewhat personal aspect of the question. The hon. member for the Swan, in the course of his remarks, referred to the population of the colony in its relation to the working of our railways, as compared with the railways in the other colonies, with their larger populations. There is this much to be said with regard to that question: in the other Australian Colonies most of their industries have arrived at the full extent of their development, and, in many cases, are almost played out; whereas in our colony our industries are in the early stage of their development, and it is absolutely necessary they should receive every encouragement at the hands of the State, in order that they may be developed or kept alive. The hon. member asked to what extent are we prepared to go further in the construction of railways? That is a question which I, on behalf of the Government,

am not prepared to answer; but were I occupying the position of my hon. colleague, my reply would be that the Government are prepared to go on constructing railways so long as they think that railways can be constructed in any portion of the colony, to the ultimate benefit of the colony and its people, and with a view to the ultimate profitable working of those railways. Not, mind you, with a view to their profitable working in their early stage, because we know that in no single instance have we constructed a railway that has been profitable in the early stage of its working. We have been satisfied if they paid working expenses; and we know that in many cases they have not done that. In other words, I suppose the Government will build railways so long as they can get the money to build them, and so long as there is a prospect of their proving advantageous to the country, and show a prospect of becoming profitable ultimately. Members who have spoken with reference to the proposed railways to goldfields have joined in one universal chorus in favour of those projects; therefore they require nothing from me to commend them. There was only one hon. member, I think, who offered any opposition, and I shall deal with him presently. The hon. member for the Swan, referring to the harbour works at Fremantle, commented on the fact that as yet these works were yielding no return for the money expended on them. That, no doubt, is unfortunately the case. It will take years to complete these works, and a very large expenditure must be entailed before any return may be looked for. Let us hope that, when completed, the work will be a successful work, and a work that will redound to the credit of those who have favoured its construction, as it certainly should do, considering the large amount of money expended upon it. Let us also hope it will be a work that will fulfil all our requirements, and give to Fremantle all those facilities which it should have as the principal port of the colony. The same hon. member referred to the proposed Collie coalfield line as being somewhat of a speculative character. Probably, with the meagre information as yet at the command of members, this line may be regarded as a speculative undertaking, but I trust the Government will

be able to place such information before members as will convince most of them that the line is not only warranted, but a most desirable work for the country to undertake. I certainly, myself, would not be prepared to support this line unless the information with regard to these coalfields were of a satisfactory character. I view the project in this light, and have done it as a member of the Government: it would not be enough for me to know that the coal is of such a character that it may be used on our own railways; I would require also to be satisfied that it would meet with sale in the foreign markets of the world, and compete with the coal of other countries. In order to justify the construction of this line, or in order to make it pay, it will be necessary that the coal on the Collie shall not only be suitable for consumption in this colony, but also suitable for the Indian market, and the markets of other countries to which Newcastle coal is now exported from New South Wales. With regard to the proposed Bridgetown line, I believe that is an open question with most members, and will remain so until they are in possession of further information, which I have not the slightest doubt the Government will be able to give them, and I trust that it will be found satisfactory. With regard to the proposal to establish a Land Bank, I think that question had better be left until the intentions of the Government are placed before the House in the Bill that will be introduced, when members can judge whether it is desirable to establish such an institution or whether it is inexpedient. My own idea is that something in this direction is necessary. From my experience as Commissioner of Lands during the past three years and a-half, I am satisfied that it is absolutely necessary to do something to assist people in settling upon the lands of this colony. The hon. member for the Swan said there were other industries that required assistance, as well as the farming industry. No doubt that is true, and we should be glad to assist them. We have done so to some extent by means of the tariff, by providing means of transport, and offering other inducements. But with regard to this question of settling people on the land, there is this fact staring us in the face: large areas are taken up, yet nothing

is done with them. People seem to take up land for the mere purpose of taking it up; for nothing is done with it in many instances, notwithstanding the liberal nature of our regulations. I would ask if it is not evident that something is absolutely necessary to assist people in the settlement of our lands, when I may inform the House that no less a quantity than 37,424 acres taken up during the last few years were thrown up last year. Is not that fact alone a strong proof of the necessity of adopting some steps to encourage and stimulate the settlement of the soil?

MR. RICHARDSON: Does that include pastoral land?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): No; it refers to land taken up under the conditional purchase clauses. Pastoral lands are counted by millions of acres.

AN HON. MEMBER: What is the reason?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): What is the reason? The reason is because there are other and greater attractions than the settlement and cultivation of the soil.

MR. ILLINGWORTH: They go to the goldfields.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): That is one reason, and the main reason, I take it—the superior attractions offered by other occupations. Why then should members attack me and my administration of the land, and allege that my administration has been a failure? I say it is neither fair nor just, when the real cause is to be found in the fact, already stated, that people find more attractive and more profitable occupations in other directions than settling on the land. We all know that farming, although a happy sort of existence, is a burdensome one. It is very rarely that you hear of a farmer making his fortune, let him work ever so hard. In many cases I am afraid it is only a hand-to-mouth existence. We know the difficulties here are even greater than they are in other parts of the world. The clearing of the soil, to start with, is a very great expense. In fact there are difficulties all around this question of the settlement of the soil, and that is the reason why people are not attracted to

the soil. They become discouraged and disheartened before they achieve success. I have referred to these things in order to show that in my opinion something is absolutely necessary in the way of assisting these people in their early troubles; and I can see no reason myself why a system of lending money to farmers, either by means of a Land Bank or some other means, should not be attended with the same success as lending money to people in towns, through the medium of building societies and similar institutions. We must show our sympathy with these struggling farmers, not only in words, but in a practical manner, to enable them to tide over the early difficulties of their position, and in order to wipe out the disgrace which so many people are so fond of referring to, both in this House and outside the House, and in the columns of our newspapers—the disgrace attaching to the fact that we are importing nearly all we require in the way of cereals, fodder, and other products of the soil. Surely the country will receive some return from the establishment of this Land Bank in the way I have indicated. The money advanced will not go out of the colony. Every shilling of it will be spent in the colony. It will all go into circulation. The merchant, the storekeeper, and other classes of the community will reap some benefit from it, as well as the farmer to whom it is advanced. Some hon. members laugh. It may be amusing to them; but, if they were in the position of some of these struggling farmers, battling with difficulties in order to make a home for their families, and to remove the reproach I have referred to, they would not laugh, but would be delighted to take advantage of the offer made by a sympathetic Government to assist them in overcoming their early difficulties. I will say no more on the subject at this stage. The only other remark I intend to make is with reference to something that fell from the hon. member for Geraldton, who, with that characteristic modesty which is so becoming to him, has taken upon himself the rôle of censor to individual members of the Government, myself amongst them, for which I am sure we ought to be very thankful. Not satisfied with playing the rôle of censor, he also arrogates to himself the position of mentor to the Premier of

the colony. The hon. member's modesty is well known to us all, but really in this instance he has excelled himself. I should be sorry to discourage him in his praiseworthy efforts, but I must tell him that I individually am not prepared to accept him as my censor; nor am I prepared to accept his dictum that the people of the colony are dissatisfied with the administration of the Lands Department as at present administered. I challenge him to lay his hand or point his finger to any instance in which the public have been dissatisfied since I have occupied the position I do as a member of the Ministry, or in which I have failed to carry out my duties in the manner in which they ought to be carried out. As to my other position, that of Minister of Mines, I cannot here again accept the hon. member's statement that dissatisfaction is rampant. If it were so, no one would be more likely to know of it than myself. Though I do not lay claim to infallibility, nor to all the virtues assumed by the hon. member himself, I do lay claim to an honest desire to do the work of the department I control in such a manner as will help forward the best interests of the colony. I have always endeavoured to do so, and, so long as I have the honour of occupying the position I hold I shall continue to do so, and neither the sneers of the hon. member for Geraldton, nor the censure of any other man, will influence me, so long as I know I am doing what is right. So long as they do not touch me on a sore point, or deal unfairly with me, so long will I ignore their attacks. But I will not allow the hon. member or anybody else to level innuendoes at me, nor to assail my reputation, in the position I hold, without defending myself. The hon. member referred to one item with reference to which he may, perhaps, have some little cause to complain. I allow that with regard to the publication of a certain report it might, perhaps, have been as well if it had been published sooner—that is, the report of the Assistant Government Geologist (Mr. Göczel), who was sent out some time ago to accompany Mr. Brazier to the Dundas goldfield. That report is very interesting I believe—I have not read it through, being in manuscript, and of considerable length—and it was sent to the Government Printer for publication. Meantime, Mr. Göczel

was sent out on another expedition, and as I was very desirous that the starting point, Coolgardie, should be reported upon, and the report published at the same time as this other pamphlet came out, the publication has been somewhat delayed. I did not wish to give it to the press, because I thought it would spoil the interest of the pamphlet itself.

MR. SIMPSON: Why should not the public have had the benefit of it, as well as the department?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): As I say, it was sent to the printer, and both reports will be published in a short time, and laid before the House.

MR. SIMPSON: Why didn't you give it to the press when you first received it?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I didn't think it necessary at the time. I thought it would be better to have it published in pamphlet form and laid before Parliament first, and then given to the press. Even assuming it to have been an error of judgment on my part, surely my administration of my department need not be attacked by members in this House for a paltry thing like that, done with the best intention. I can assure the hon. member that I will expedite the publication of this work as much as I possibly can, and I hope when it is laid before members it will prove interesting to them. Allusion has been made to the administration of the Homesteads Act. I assure the House that in carrying out that measure I have simply followed the Act itself, and, if the Act is defective, why blame me? I am referring to the alternate block system. This system is not my fault; it is provided for in the Act, and I have simply administered the Act as I found it. What the hon. member for Northam wants is free selection all over the colony as regards these homestead blocks. I may say that I am in accord with the hon. member on that point.

MR. SIMPSON: Then why not amend the Act?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): We intend to do so, and probably there are other alterations in the Act that are desirable. The hon. member for Yilgarn stated that great hardships had been

inflicted upon the mining community in consequence of land being sold over their head in the goldfields townships. I think the hon. member for Nannine referred to it too. I believe I can show that no hardship has been inflicted upon people on the goldfields who, before townsites were laid out, had erected houses on their land, or made other improvements, because whenever any improvement had been made by the occupier, a very liberal allowance was always made to the person who had made those improvements, when the land was put up for sale. Those who had made improvements were allowed to put their own value on them. The result was that in almost every instance those who had made these improvements secured their lots at the upset prices put upon them; whereas, in all other cases, where no improvements had been made, the land realised from 50 to 200 per cent. above the Government upset price. I have the list here, and any member can see that what I say is correct.

MR. ILLINGWORTH: You reserved a block with a ten-roomed house upon it.

MR. SIMPSON: You took a block with a butcher's shop on it.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): In that case I suppose the hon. member will say we took all that butcher's "steak" in the country. I know of no cases of hardship myself.

MR. MORAN: I know of several.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): There is only one other matter I wish to refer to. One hon. member, who now sits for the first time in this House, had the good taste to accuse the occupants of the Government bench with either one of two things—ignorance or indolence.

MR. JAMES: Political ignorance or political indolence, I said.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion): I don't think there was anything political about it. I would remind the hon. member, and some other more inexperienced members of the House, that there is another commodity which, it seems to me, the hon. member is somewhat overburdened with in his own person, and that is assurance, which is closely allied to impudence; and impudence is very often closely allied to ignorance. I will leave

to the hon. member to choose which of these alternatives he will accept.

At forty minutes past 6 p.m. the SPEAKER left the chair.

The SPEAKER resumed the chair at 7:30 p.m.

Question put, that the Address-in-Reply be adopted.

Motion agreed to.

Ordered—That the Address be presented to His Excellency by Mr. Speaker and members of the House, on the following day.

BANKERS' BOOKS EVIDENCE BILL.

SECOND READING.

THE ATTORNEY GENERAL (Hon. S. Burt), in moving the second reading, said: This is a short Bill, dealing with the question of evidence in respect to bankers' books. Hon. members may know that, for some time past, there has been an Act of this description on the statute book, which was virtually a reprint of an Act passed in the Imperial Parliament a year or two prior to our adoption of it here. That Act of the Imperial Parliament was found to be somewhat ineffective for the purpose for which it was designed, and was amended three years afterwards, in 1879. In fact, it was in course of being amended when we adopted the original Act. Inasmuch as it was found in England that the Act as first passed there did not work, it is not surprising that the same statute was found also in this colony to be not as effectual as its promoters intended. Therefore we propose now simply to enact in this colony the amendment that was adopted in England in 1879. The greatest flaw in the Act, as originally passed, was that before a party to any legal proceedings in the Supreme Court could obtain an order to inspect bankers' books, with a view to taking entries and producing them in court to prove his case, it was necessary, under the Act as it at present stands, that he should receive a notice from the other party that such party intended to inspect the banker's books. Consequently, if that notice was not given, neither party would be able to move. If one litigant wanted to move, it was impossible for him to obtain the evidence which he wanted from the banker's books, unless his opponent had

given notice that he intended to avail himself of evidence from those books. That was the main blot in the Act as originally passed in England, and as adopted here. In the present amending Bill, it is provided that either party to a suit may inspect the banker's books for the purpose of evidence, and may compel the banker to produce such books as either litigant may need. There was a section in the old Act which provided that a banker should not be compellable to produce his ledger, cash book, or other account books required in legal proceedings, unless specially ordered by a Judge to do so; consequently, he was not compellable to produce unless such order were made; and as the Judges have held that they had no power to make such order, the Act became unworkable. This measure, which I now ask the House to read a second time, is simply a copy of the Act as amended in England.

Question put and passed.

Bill read a second time.

FENCING BILL (1894).

SECOND READING.

THE PREMIER (Hon. Sir J. Forrest), in moving the second reading, said: In the shape in which this Bill is placed before hon. members, it is practically the same as was adopted by a select committee of the old Legislative Council in 1884. A very slight alteration, in verbiage only, has been made in the Bill as now submitted to the House; the reason being that the Bill having been carefully considered by a select committee of the Council in 1884, and having passed through the Legislative Council, but not having been carried into effect because disallowed by the Governor at that time, it has been thought better that the present Government should place it before this House in the shape in which it left the old Council. Seeing that things have greatly changed in the colony since 1884, it will be readily allowed that those objections which were made to the Bill in 1884 no longer have force at this time. So that I anticipate this Bill, with perhaps some slight alterations, will find a large support, not only in this House, but throughout the country. There is no doubt the fencing in of the lands of the colony is a most important matter.

We have learnt by experience that land which is not fenced is next to useless; but that was not always the idea in this colony. Many practical men, a few years ago, argued to the contrary; but now it is a fact, acknowledged by all practical persons, that land, unless fenced, whether for agriculture or for pasture, is of very little use as compared with what it is if properly fenced in. That being so, I think it is desirable that the law should be made clear as to the liability of persons who use the fences of others, to contribute towards the cost incurred by the person erecting the fence. In the first clause of the Bill, the law as it now exists is repealed. That law, I believe, merely applied to the fencing in of town lands; and we propose to place in one statute the whole subject of the liability for contributing towards the cost of fencing between adjoining lands; therefore the fencing law of William IV. will be repealed, namely, the "Act to regulate the Fencing of Town and Suburban Allotments." Clause 4 of the Bill is really one of the most important, for it provides that half the value of existing fences shall be paid by adjoining proprietors respectively; that in respect to town lots the one-half share shall be paid at once, and, in the case of country lands, by instalments. That portion of the clause which deals with the manner of paying instalments for the fencing of country lands will require careful consideration by the House, and some amendments may be considered necessary; but inasmuch as that provision was arranged by the old Legislative Council, the present Government have deemed it wiser to submit the provision to this House in the same shape. Clause 5 provides that occupiers of adjoining lands are to assist in making a dividing fence; and Clause 6 provides that half the expense may be recovered from the purchaser of the adjoining Crown land. Clause 7 provides that adjoining proprietors shall keep a dividing fence in repair, which provision I think is only reasonable, where both occupiers have the use of a fence. Clause 10 provides for the apportionment between the landlord and tenant of the cost of erecting fencing. Clause 12, hon. members will notice, provides that the Act shall not interfere with existing agreements; and Clause 13 provides that

the Crown shall not be liable, in the case of a fence being erected along the boundary of unalienated Crown land, to contribute one-half the expense of such fence. In Clause 14, it will be observed that if a pastoral lessee, or other person holding land from the Crown, fences in such land, any person afterwards using any portion of that fence will be required to contribute to the extent in which he uses the fence; and that is, I think, but a reasonable provision. The next few clauses relate to the mode of recovering the cost, if necessary; and it is provided that, in case of a dispute, two or more justices may decide disputes between parties; their decision to be final, without appeal. Clause 19, however, makes this wise provision, "that justices shall not be able to award a sum greater than the usual price paid in that locality for such fence." Clause 21 provides, "that if a river, creek, or natural watercourse forms the boundary of contiguous lands, but is not capable of resisting the trespass of cattle, the parties concerned may appoint a magistrate or arbitrator to determine the line of fence to be erected, and to decide whether any and what compensation shall be payable annually to the person whose land is encroached upon." The Bill goes on to provide that if persons do not contribute their share of the cost of fencing, the lands may be eventually sold, and the person buying the land shall be placed in secure possession, and that the land shall be vested in the purchaser. These are the general provisions of the Bill. It seems to me, from the little attention I have been able to give, that these are all wise provisions, although in a few particulars—especially in Clause 4—some alterations should be made, for I do not think it is reasonable that a person who erects a fence should have to wait four years after adjudication upon his claim, in order that he may recover an amount exceeding £150 due from the owner of adjoining land as one-half share of the fence which such owner has been using. I think any person who uses another man's fence should be bound to pay for it at once, or if not entirely, at least in part, at once. That matter will, no doubt, receive the careful attention of hon. members. Fortunately, we have in this House many members who have a practical knowledge

of the difficulties and the importance of the fencing in of lands, and some hon. members may also have suffered from the great injustice of having had to erect fences between their own and adjoining lands, without being able to recover a fair proportion of the cost from the adjoining proprietors, although the latter have had great benefit from them. I have pleasure in asking the House to agree to the second reading of this Bill.

MR. LEFROY: As this Bill came before the old Legislative Council as far back as 1884, and there was considerable opposition to it at the time, it should even now deserve the greatest attention in this House. The principle of the Bill was certainly approved by this House last session, in requiring that persons who use fences already erected in town should pay half the cost of the erection; and I think the Government have done their duty to Parliament in bringing forward the Bill at the present moment, and deserve the thanks of this House for doing so. When this Bill was under discussion in the old Council, and when four members of the present Assembly were then members of the Legislature, I believe one member of the old Council described a certain clause of the Bill as containing the principle of robbery, and another member of that Council, who holds a very honourable position in our present Legislature, described the Bill as one for legalising the grossest act of injustice ever perpetrated by the Legislature. The terms "robbery" and "injustice" must bear pretty well the same construction in these days as at that time; and, though I am not going to agree with those views, I think the provisions of this Bill should be carefully considered. The clause which is likely to cause the greatest discussion is Clause 4; and, although the Premier has not read that clause to the House, I will read it for the information of hon. members. Clause 4 says:—"It shall be lawful for the owner of any land who shall, before the passing of this Act, have erected a fence dividing such land from land adjoining thereto, to demand and recover of and from the owner or occupier of such adjoining land half the value of such dividing fence; and, in the event of the occupier paying the same, he may demand and recover such half-value from the owner."

"Provided further, that in the case of
 "country land the amount recoverable
 "from the owners or occupiers of such
 "adjoining land as aforesaid shall, unless
 "otherwise agreed upon, be payable by
 "instalments, as follows, i.e. :—

"If such amount shall not exceed
 "twenty-five pounds within six
 "months after adjudication.

"If such amount shall exceed twenty-
 "five pounds, and shall not exceed
 "fifty pounds, within one year
 "after adjudication.

"If such amount shall exceed fifty
 "pounds and shall not exceed one
 "hundred pounds, within two
 "years after adjudication.

"If such amount shall exceed one
 "hundred pounds and shall not
 "exceed one hundred and fifty
 "pounds, within three years after
 "adjudication.

"If such amount shall exceed one
 "hundred and fifty pounds, with-
 "in four years after adjudica-
 "tion."

Well, this clause makes the Bill retro-
 spective in its operation, and that is a
 matter requiring great consideration. Of
 course, a certain number of people pur-
 chased land in the early days of the
 colony, under the laws then in existence;
 and, as free selection was in vogue
 then, a number of leaseholders were
 obliged, in self-protection, to purchase
 certain pools and springs, in order to
 ensure a water supply. It was a great
 pity they had to do this, as a neces-
 sity, because the money would be thrown
 away instead of spending it in im-
 proving their land. A leaseholder, say
 a small one, having only 3,000 or 4,000
 acres, might have been obliged in this
 way to purchase a certain area of 40 acres
 in order to secure a well or spring of
 water. Another man, coming afterwards,
 might purchase around two sides of the
 first man's well. He would fence his
 land on two or three sides adjoining the
 leaseholder's well, and what would be
 the consequence? The leaseholder, who
 owned the block where the well was
 situate, would be obliged, under this Bill,
 to pay to the adjoining holder one-half
 the value of fencing which was utterly
 useless to him.

THE ATTORNEY GENERAL (HON. S.
 BURT): How do you make that out?

MR. LEFROY: I will explain that it
 is utterly useless to him, because, under
 our Trespass Act, the leaseholder is not
 liable for trespass unless the land which
 has been fenced in has been taken up on
 lease; and if the leaseholder fences in the
 whole of his pool or well, the water must
 be utterly useless to him, because his
 stock cannot get to it. That is a blot on
 the Bill, in making this new fencing law
 retrospective; because, where leaseholders
 have been obliged to purchase the pools
 on their runs, the money will have been
 thrown away. I hope that question will
 be considered. I am anxious to see a
 Fencing Bill passed, and I think it will
 be of great use to the country; but, at
 the same time, hon. members should look
 carefully into it. I am afraid members
 do not often look very minutely into
 Bills before the House; and, after Bills
 have been passed, some hon. members
 have grumbled because, perhaps, they
 found those Bills operated hardly on indi-
 viduals. Another question in the Bill will
 cause a lot of difficulty, and may also
 give the justices a great deal of trouble,
 and will cause any amount of litigation;
 and it is a pity there cannot be some
 other body of men to act as arbitra-
 tors, some who are independent of land
 altogether. I am referring to that part
 of the Bill which provides that justices
 of the peace may deal with fencing
 disputes between adjoining owners, and
 I am afraid they will be employed pretty
 well all the year round in deciding as to
 who is to pay for the fence, and so on.
 When this Bill was before the old
 Council it was considered better to refer
 it to a select committee, and I really think
 now, in dealing with a matter of this
 kind, that would be the best course to
 take on this occasion, because while
 sitting as a Committee of the whole
 House we are not so well able to grapple
 with the details. Some of us who are
 more engaged in the practical occupations
 of life, instead of being experienced in
 talking on public platforms or in pro-
 fessional advocacy, as some of our lawyer
 friends are in discussing questions in
 courts, are not so ready in dealing with
 details or technicalities, and we could
 better discuss the clauses in a select
 committee than in the House. I hope
 that after the second reading some hon.
 member will propose to refer the Bill to

a select committee, so that we may deal with it practically.

MR. PIESSE: This Bill is a step in the right direction. I quite agree with the hon. member for the Moore that the provisions require careful consideration, and we can better deal with them in a select committee. In Clause 2, with regard to the definition of a fence, this trouble has already arisen in many cases in connection with our Trespass Act, and if we went a little further, and so defined a fence as to prevent litigation, the justices of the peace would be able to adjudicate more easily as to the value, and a clear definition would also be a guide to those who are about to fence. The altered circumstances since 1884 also enable us to give some clear idea of the style of fence that is generally erected by persons when fencing their land, according to what we know is usual in certain districts. Therefore it would be practicable to introduce into Clause 2 several sub-sections, which would more clearly define the style of fence to be adopted. This term used in the Bill, "a fence reasonably deemed sufficient," is too vague, because what may reasonably be deemed sufficient by one person would not be so by another; so that we may have one justice of the peace looking at the definition from one point of view, and another looking at it from another point of view, whereas I think we should have some clear definition to work upon. I shall take the opportunity of moving some additions to this clause, if that be not done otherwise, for defining the description of fence more clearly, so as to prevent much of the litigation and trouble that might follow. Clause 6 provides that "half the expense of dividing fence may be recovered from purchaser of Crown land." Now, we all know that the lands taken by the Great Southern and the Midland Railway Companies are alienated lands, so far as the Crown is concerned, and some trouble may crop up in regard to fencing on those lands; for the purchasers or owners will have to fence within six years, and they will be fencing upon lands alienated from the Crown. Therefore we must have some clearer definition with regard to fencing on those lands. Those companies hold lands alienated from the Crown, and it would have been a great hardship on the com-

panies if any person purchasing or having purchased land from them were to be enabled, under this Bill, to compel them to pay one half the cost of fencing a block adjoining the land still remaining in the hands of the company. If such a demand is thought to be reasonable and just, let it be so; but persons who buy 100-acre blocks from either of those companies will be able to demand from the company half the cost of fencing such blocks, and that also will be retrospective in its operation. I intend to give notice of amendments with regard to clauses dealing with that part of the question, because in fairness to any company which has entered into agreement with the Government to perform certain services, or to construct certain works, and to accept lands in payment for the same, such lands being thereby alienated from the Crown, we should prevent such company from being imposed on, or unreasonably taken advantage of, in consequence of the introduction of such a Bill as this. The questions which hinge on this Bill are of such a serious character that they require careful consideration, and, when the proper time comes, I will move that the Bill be referred to a select committee.

MR. COOKWORTHY: I thoroughly agree with the remarks of the last two speakers. There is one thing in the Bill which I think must be a mistake. Clause 4 provides that "It shall be lawful for the owner of any land who shall, before the passing of this Act, have erected a fence dividing such land from land adjoining thereto, to demand and recover of and from the occupier of such adjoining land half the value of such dividing fence." Now, suppose a man takes up a block of land in a leasehold, and say I am the occupier; that man, you may depend, does not take up the worst block, but the best in the leasehold; and yet, under Clause 4 of this Bill, I as the occupier am supposed to pay half the cost of fencing that block. [MR. LORON: No, no; not in a leasehold.] Well, I don't think that was the intention in framing the Bill, but the definition in the clause ought to be made more clear.

MR. TRAYLEN: This Bill so bristles with difficulties, that I am sure it would be most impolitic for those members who represent country districts to allow it to

go through without being referred to a select committee. I think it is an extremely vicious principle to make an Act of this kind retrospective; and it is about as dangerous a Bill as the Government could bring forward in reference to the leasehold or alienated lands of this colony, for enabling those persons who may take up alienated land, or have already done so, to call upon the adjoining occupier to pay half the cost of fencing put up for somebody else's benefit, and from which the said occupier may derive no benefit himself. I do see the reasonableness of the present law in providing that if a man takes up land outside a suburban block, and gets the benefit of the adjoining fencing, it is only right he should pay half the cost. But, under this Bill, whoever wants to put up a fence for his own benefit may go to his neighbour and demand half the cost. I do hope the Bill will be referred to a select committee, and that time will be allowed for them to receive and examine witnesses from various parts of the country. In the case of my electorate (the Greenough) this Bill might mean almost ruin to some persons, in being called upon to pay half the cost of other people's fences. It is a distinct feature in this Bill, as I understand it, that one of the objects is to make people pay towards the cost of erecting other persons' fences. Then I see some difficulties in that Clause (No. 21) relating to a river, creek, or water-course which may be thought to be an insufficient boundary between two holdings. I am not clear as to whether both the parties are to be obliged to fence on their respective sides of the water; but, if so, it will scarcely need a magistrate to adjudicate upon such a case. If it is a fact that each one must fence, he must do it; but if the magistrate is to go down and say whether the owner on the North side or the owner on the South side is to fence, then an injustice may be done by his decision, if A or B is thereby cut off by a fence from his water frontage, and the other man is to have all the benefit of it. The Bill seems to bristle with difficulties, and I must support a motion for referring it to a select committee, at the proper time.

MR. RICHARDSON: In this discussion there seems to be one grave oversight, namely, that in passing this Bill we are

only assimilating our fencing law to the fencing law of all the other Australian colonies. It seems to be a principle, with some hon. members, that we in this colony should stand out as an exceptional colony in the matter of fencing; that what has been considered wise, and been given practical effect to in all other parts of Australia, should not be done here. Yet I think that what has been proved by experience to be wise and good in those colonies cannot be very foolish for us to adopt, and that it must be equally wise and good for us to do as they have done in regard to the fencing law. This Bill is entirely and wholly in the interest of the industrious occupier, and is dead against the drone; and I maintain that property, if it has its privileges, has also its duties; therefore, I fully recognise that if a man holds land, he ought to make some use of it. I do not believe in favouring, and coddling, and hedging round with all sorts of restrictions those lessees or occupiers who want to hold in defiance of the Government, doing nothing with their land for years and years, but themselves lying by, and receiving the unearned increment resulting from the industry and expenditure of other people; and so when such an occupier sees an industrious neighbour fencing his own land, the drone says, "You are fencing my land at the same time, and I will get the benefit of your fences, and contribute not a cent towards the expense." I believe in "slating" holders of that sort. I have been astonished by the remarks of the hon. member for the Greenough, in objecting that this Bill is to compel people to pay for other persons' fences, because I thought the hon. member had somewhat of a mathematical mind, and would know that you cannot fence your own land without also fencing so much of some other person's land along a common boundary. I say the other person so benefited ought to pay his share of the fencing. I have also been surprised at the sort of retrograde sentiments of the hon. member for the Moore, for I have hitherto regarded him as a practical and progressive colonist, having enlightened views, and in favour of whatever tends to improve the soil. When he talks of a lessee going all over the country and buying up all the little 40-

acre pieces containing springs and pools, for securing his run against the encroachments of the selector, and so that the lessee may continue to hold that land without doing anything to improve it, it seems to me that if the land is not worth fencing it is not worth holding; and I do not believe that even in the poor soils of Western Australia it pays anybody to occupy the poorest lands and not fence them in, for if they are not worth fencing they are not worth holding. On the broadest grounds, I support this measure that favours the industrious settler. We hear a great deal of talk, and there seems to be a great anxiety on the part of all sorts of people—both selectors and candidates—not only to tax land, but especially to tax absentees. Well, a man may be an absentee to-day, and an occupier next week. This will compel those persons who have held large areas for years and years, doing nothing with them, to wake up and stock them, or occupy them, in order that they may contribute in some degree to the taxation of the country, when they find that in consequence of an industrious neighbour fencing in his land along their common boundary, they can be compelled by this Bill to contribute one-half the cost of the fence. I am in favour of referring the Bill to a select committee, for getting it into a workable shape. In clause 4 there is a principle of injustice in appearing to favour the large holder as against the small one; for the clause provides that if an owner claims from the owner or occupier of adjoining land a sum not exceeding £25 as being half the value of the dividing fence, the adjoining owner or occupier shall be allowed six months in which to pay the money; and if the amount do not exceed £50, he shall be allowed twelve months. Well, we may take it that where the amount is £25 or £50, the neighbour against whom the claim is made will probably be a small holder, so that the small man has got to fork out his £25 or £50 within six or twelve months, respectively; but when we come to the large holder, say where the one-half value of the fence is £150, he is allowed four years during which he need not pay a cent till the end of the term; and he may sell his land, or the fence in question may be burnt, before he pays anything. But, in the mean-

time, the little holder with the £25 burden has to pay that amount within six months. There is a principle of injustice in requiring the little holder to pay cash down for what is, perhaps, as serious an amount to him as £150 may be to the larger holder. For these and many other reasons, I think it would be a wise thing to refer the Bill to a select committee.

MR. CLARKSON: The Government deserve credit from the landowners for this important measure. All those who are actively and practically engaged in dealing with the land of the colony will have arrived at the conclusion that, unless it is fenced, whether leasehold or freehold, it is of very little use. There are many provisions in the Bill which require careful consideration, and I quite approve of the proposal to refer it to a select committee. I agree that it is perfectly right that an adjoining occupier who gets the benefit of a fence along a common boundary should pay half the cost, because although he may not admit it is an advantage to him, yet it is practically a great advantage. I shall support a motion for referring the Bill to a select committee.

THE ATTORNEY GENERAL (Hon. S. Burt): I rise only to say the idea that the best way of dealing with this Bill is to refer it to a select committee is a mistaken one; for I can assure the House that the debate on this Bill in committee will be the only entertainment of a light kind that the Government can provide for the House this session; and I do not see why some hon. members should desire to deprive many of us of the pleasure we shall all derive from debating the clauses of this Bill in a committee of the whole House. It is not because a Bill requires consideration that we should take it away from the whole House and refer it to a smaller committee. My view of the use of a select committee is that it affords a better facility for taking evidence upon disputed points, in order to inform our minds upon them. But in this case, every member, and particularly the country members, will be quite able to show us their illustrative diagrams, and point out the gross robbery contained in clause 4, as they may read it, and so on. They won't require a select committee for that purpose, because we can all understand it.

A select committee would simply be a smaller body than a committee of the whole House, and would discuss it in the same way. A select committee would not call in any new evidence, or refer to any book or document in dealing with this Bill. Therefore it would be far better, for the information and satisfaction of all concerned, to have the clauses discussed in a committee of the whole House, which can give due consideration to every clause. It would even be competent for a large committee to determine the definition of a reasonably sufficient fence. I hope the House will not hastily accept the suggestion for referring the Bill to a select committee. The people in the country would like to be informed, through the newspaper reports, of the grounds on which the Government base their claim to make this Bill a part of the statutes of the colony, and the grounds also for any amendments that may be proposed by hon. members. If you refer the Bill to a select committee, all that would be hidden to a large extent, if not entirely, and the benefit of a discussion in public would be entirely lost. I trust the House will not too readily consent to the suggestion that has been made, for referring the Bill to a select committee. If you will only accept my suggestion, and leave the clauses to be discussed in a committee of the whole House, you will not regret it.

MR. LEAKE: It is gratifying to observe the consistency with which the members of the other (Ministerial) side of the House swallow any Government Bills; and I notice the Government supporters are prepared to swallow this Bill as they did the Government policy the other day. But when they come to examine this Bill in detail, they will find it needs some looking into. I do not oppose the Bill on principle, but I do wish to direct attention to one or two points well worthy of consideration. It will, at any rate, make the large landowner sit up, when he finds he has got a body of cockatoo farmers on his outside boundary; for if he has got to pay instalments every other week, he will be sorry—if he happens to be a landowner sitting on the Government side of the House—that he ever consented to the passing of the Bill. It deals with both town and country lands,

although hon. members may be under the impression that it deals only with country lands. I submit this point for the consideration of the Attorney General as much as anything else, namely, would it not be desirable to prevent the application of this Bill to town lands, and limit it to country lands, for the reason that I think the question of fencing town lands might be dealt with more conveniently in the Municipalities Bill, which is to come before us in a few days? I will refer to one clause as showing how the town lands and country lands clash, and how these provisions cannot apply in an equal degree to both classes of land. Referring to clause 9, you will see the dividing fence is to be kept clear by both parties mutually, for the purpose of preventing fire; but you don't need to keep a town fence clear in order to avoid being swept out by a fire. And to keep 10 feet clear for this purpose in a town would be absurd, for the town occupier might have to remove a cow-shed or hay-shed to keep that space clear of the fence. The retrospective operation of the Bill is an objectionable element. Retrospective enactments are dangerous, and should not be enforced unless the circumstances fully justify such a step. Clause 19, which limits the sum recoverable for a particular kind of fence, speaks of a close sawn timber paling fence, in the case of town allotments, but does not say what height the fence is to be. That, however, is only a matter of detail. Another objection is that the Bill extends the common law, the civil remedy of the landowner, beyond the ordinary and proper limits; for the Bill does not merely give to the one party the right to sue another, but it gives him a statutory right to distrain, and eventually gives him the right to sell the land—not the land of the man who is primarily liable for the cost of the fencing, that is the occupier, but the right to sell the land of another person. That is to say, you sue the occupier, and sell the owner's land.

THE PREMIER (HON. SIR J. FORREST): Is not that so now in town lands?

MR. LEAKE: Then, again, in clause 24, the equitable mortgagee is not protected, for the clause says:—"Every such auctioneer as aforesaid, who shall be called upon to sell any land liable to sale under the provisions of this Act, is here-

"by required to sell the same by public auction (but subject, nevertheless, to all charges and incumbrances thereon existing and duly registered before the registration of the amount of such order and costs, for the recovery of which such land shall be sold)." Well, for registered mortgages, that is all right, as notice would be given, and the purchaser might find out all about the registered mortgages; but there is such a thing as an equitable mortgage, by deposit of title deeds; and possibly some hon. members may have lodged their title deeds in a bank, and, if so, would be sorry to find those deeds had been sold to pay the claim of some Government supporter who had put up a boundary fence. This land can be sold without notice.

THE PREMIER (Hon. Sir J. Forrest): Four years must elapse before it can be sold.

MR. LEAKE: Yes, but what provision is there that the owner of the land shall have notice? Then there is the introduction of the "Shortening Ordinance." I cannot see how that applies, at present; but the "Shortening Ordinance" provides for the administration of justice under the Justices Act, that is, summary jurisdiction; and if you disobey the order of the justices you go to prison.

MR. LOTON: I am rather inclined to be of the opinion expressed by the Attorney General with regard to the Bill. It has been remarked that the Bill is an important one, especially to country residents; and, that being the case, I believe the country residents will be more likely to know what is being done with this Bill, and the dose that is being prepared for them, if the Bill is discussed in a committee of the whole House, and the discussion reported through the press, than by dealing with the details in a select committee, consisting of only five, six, or seven members. I suppose almost every member of this House will have an opinion of his own on the subject; therefore we should gain very little by referring the matter to a select committee. I do not see what evidence could be brought before a committee, more than we have in the Bill, unless it is desired to call as witnesses the different landowners in the country, and ask their opinion as to what a Fencing Bill should be. I do not suppose that course will

be pursued. As to the Bill itself, it has within it the elements of forcing, to some extent, a decided improvement upon the freehold lands of the colony, between Albany and Northampton. I am speaking of the freeholders; and unless the owners of those lands consider them of sufficient value to fence them or realise upon them, by letting them on long terms or selling them, we shall never make much progress with the settlement of the land in this colony; and, I may say also, we shall never be able to provide satisfactorily for the working expenses of the railways constructed, and those we intend to construct, unless the land is to be closely settled and much more developed. It has been said the time has arrived when the majority of people feel and know it is of little use holding land unless they are in a position and are willing to improve it. Therefore, without acting hurriedly, let us give the greatest consideration to the subject of fencing, and pass a really good, sound Bill, that will not do injustice to any person, if that can possibly be avoided.

MR. ILLINGWORTH: I rise to support the idea of the Attorney General, and I like to support the Ministers when I can. I think it would be a grave mistake to refer this Bill to a select committee, unless there be in it certain elements which cannot well be threshed out in the House. I think a committee of the whole House is a body sufficiently small, in this colony, to discuss the details of all questions of this character. There are a great number of minor difficulties in the Bill, but it is a Bill which requires to be passed, and is a Bill that is called for. There are certain alterations that I should like to see made in the clauses, but I do not propose to discuss them at length at this stage. There are two points I want to call attention to, and they relate to two opposite classes of persons. In clause 4, first sub-section, we find it stated that "If such amount shall not exceed £25," the amount shall be payable by instalments "within six months after adjudication." Now, if a selector takes up a piece of land adjoining a property already fenced, he may be called upon by the owner of the fenced property to pay £25 within six months, for half the value of an existing boundary fence. It is not at

all likely that the selector will be able to enclose the other sides of his land within the first six months; in most cases it will take him a much longer time to enclose his land; and, in fact, the law permits a selector to take six years before he is compelled to fence in the whole of his holding. Therefore the dividing fence already existing can be of no value to him until he has fenced in his own portion, and at the beginning of the settler's difficulties, when they are the greatest, when his funds are at the lowest, and when every encouragement should be given to fence and cultivate his land, why should he be called upon to pay down £25 in the first six months, for a subdivision fence that must be useless to him at that period? To force that condition upon him would be a hardship. If the payment were to be required within six months after he had enclosed his land, I think that would be within the realm of justice; but it would be too much to ask every selector who happened to select next to a property already fenced, to plank down £25 within the first six months, when he would want the money to develop his own land. The other point is in connection with such holdings as those of the Great Southern and the Midland Railway Companies. Suppose the Midland Company has 100,000 acres of land, and it sells out a portion to a settler; then the company may be called upon by the settler to pay half the value of his fencing on three sides adjoining the company's land, the fourth side being his frontage to the road, which he must fence. Would not that be a hardship to the company, merely because, technically, it held land alienated from the Crown? And what applies to that case would hold good with reference to the subdivision of large blocks. Suppose an owner subdivides a block of land into twenty allotments. The moment he sells one lot, the buyer may begin to fence it, and may call upon the owner of the large block to contribute towards the cost of fencing his allotment on three sides. I admit this is the law in force in other colonies, but that provision is found to be so thoroughly unworkable that every contract of sale contains a clause providing that the man who sells the land shall not be liable for any proportionate cost of fencing on the unsold

boundary. Of course that case does not improve the case of the selector who is to be compelled, under this Bill, to pay down £25 within the first six months. I look upon the Bill, as a whole, as a good measure, but we must take care that the Bill does not press hardly on any person to whom it is intended to apply.

Motion put and passed.

Bill read a second time.

Mr. PIESSE: I beg to propose that the Bill be referred to a select committee.

Mr. LEFROY: The House is against it, I think.

Mr. MORAN: I second the motion.

Motion put and negatived.

ADJOURNMENT.

The House adjourned at 8:52 o'clock p.m.

Legislative Assembly,

Thursday, 2nd August, 1894.

Presentation of the Address-in-Reply—Further legislation respecting Savings Bank—New Mail Contract—Erection of Government School at Gingin—Free Passes on Government Railways—Local investment of funds of Fire and Marine Insurance Companies—Yilgarn Railway Contract, and Bonus in connection therewith—Station Accommodation at the Midland Junction—Offers from private persons for the construction of Goldfields Railways—Further Correspondence respecting proposed abolition of the Aborigines Protection Board—Water Supply for Cossack—Return of Homestead Blocks—Return of new School Buildings and estimated cost thereof—Employers' Liability Bill: second reading—Adjournment.

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

PRAYERS.

PRESENTATION OF THE ADDRESS-IN-REPLY.

At twenty minutes to five o'clock, p.m., Mr. Speaker, accompanied by members, proceeded to Government House to present the Address-in-Reply to the Speech