

fairs. The time has come when shareholders in the country which is producing the gold, and in many instances sending the profits to London, should not be run over roughshod at the will of London directors. The Bill makes it compulsory for companies to have registered offices for the transfer of shares, and to that proposal I give my strong support. A large number of companies in England will, no doubt, object to the Bill, but I do not see any reasonable ground for their objection to a registered office for the transfer of shares. The question of expense has been raised, but that is not a serious objection. The law compels every London company to have a legal representative, and, although I am prepared to admit that the question of the transfer of shares is rather a difficult one, as between this colony and London, that is no good reason for objecting to the Bill, in view of the fact that every London company finds it necessary to have a legal office in this country. The objection raised on that ground, although it may have some weight in it, is more than balanced by the decided advantages of the Bill. I understand that Mr. Waddington, who is connected with the Great Boulder Mine, approves of this measure, or raises no objection to it.

THE PREMIER: He approves of the Bill.

MR. MORGANS: I have much pleasure in supporting the Bill, and hope the House will approve of it.

MR. LYALL HALL (Perth): I have much pleasure in supporting this Bill. Some time ago, a very large deputation composed of sharebrokers and business men generally, waited on the Minister of Mines in reference to this subject. I can assure the House that this Bill will receive the approval of all the business men of Perth, for it will enable dealings in stock to be carried on much more satisfactorily than at present, and enable would-be speculators to find out all about companies, which they cannot do at the present time. It will retain money in the colony which is now spent outside. Offices are now maintained in Adelaide, in Sydney, and in London by different mining companies; and although an attorney is generally appointed in Western Australia, yet when information is sought to be obtained from that attorney, it can-

not as a rule be obtained. This Bill will do away with that evil, and enable the would-be speculator to find out all he wants to know about different companies; while the Government also will get the benefit of registration fees, and the colony will derive a benefit from the little extra expense in the hire of offices and so forth, which at present other countries get.

MR. MORAN (in reply): I want the Government to consider during the recess—I do not propose to put it in the Bill—the question of charging stamp duty on all transfers. At present, the colony gets no benefit from the transfers of large interests. I want the Government to consider whether transfers should not be made under the Stamp Act; this being the law in other parts of the world. I do not say I will support such a proposal, but I want the Government to consider it.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 11.10 p.m. until the next day.

Legislative Council,

Thursday, 13th October, 1898.

Paper presented—Joint Committee, Official Receiver; Report presented—Return ordered: Land Divisions and Holdings—Joint Committee: Refusal to Answer Question (Mr Wainscot); consideration in Committee—Coolgardie Water Supply Construction Bill, in Committee, further consideration of new clauses (tribunal), reported—Insect Pests Act Amendment Bill, third reading—Streets Closure (Fremantle) Bill, third reading—Goldfields Act Amendment Bill, second reading—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By THE COLONIAL SECRETARY: By-laws of the Municipal Council of Claremont.

Ordered to lie on the table.

JOINT COMMITTEE: OFFICIAL RECEIVER.

COMMITTEE'S REPORT.

HON. R. S. HAYNES brought up the report of the Joint Select Committee appointed to inquire into the administration of the Official Receiver in Bankruptcy.

Report received, read, and ordered to be printed, with the evidence.

Ordered, that the report be considered on the next Tuesday.

RETURN: LAND DIVISIONS AND HOLDINGS.

Ordered, on the motion of the HON. C. E. DEMPSTER, for the HON. C. A. PRESSE, that a return be laid on the table of the House, showing the estimated acreage of the various divisions of the colony, as described under Part II. of the Land Bill now before the House: such return to state the quantity held in each division, in fee simple, conditional purchase (including free farms), and pastoral lease. The return to be accompanied by a map showing the divisions marked thereon.

JOINT COMMITTEE: REFUSAL TO ANSWER QUESTION.

THE COLONIAL SECRETARY (Hon. G. Randell) moved:—

That the report of the chairman of the Joint Select Committee appointed to inquire into the administration of the Bankruptcy Act and the administration of affairs of companies in liquidation, relating to the refusal of Mr. H. Waincoat to give certain evidence before the Committee, be now taken into consideration.

Question put and passed.

IN COMMITTEE.

THE COLONIAL SECRETARY moved:

That Harry Waincoat be summoned to appear at the bar of this House, at its next sitting, and the question put by the chairman of the Joint Select Committee of both Houses of Parliament to Mr. Harry Waincoat on the 8th October inst. be again put to him by the Hon. the President.

Put and passed.

Resolution reported, and report adopted.

COOLGARDIE WATER SUPPLY CONSTRUCTION BILL.

IN COMMITTEE.

Consideration resumed at new clauses.

New Clause—Form of tribunal *re* compensation:

The HON. R. S. HAYNES had moved to add a new clause, providing that the proposed tribunal should consist of three judges of the Supreme Court; and the Colonial Secretary had moved an amendment, modifying the procedure.

The new clause and the amendment of it were now, by leave, withdrawn.

THE COLONIAL SECRETARY moved that the following be added, to stand as clause 8:—

Compensation shall be paid to any person for all damage sustained by him by reason of the execution of the works or the exercise of the powers authorised and conferred by this Act, and such compensation unless settled by agreement shall be assessed by three judges of the Supreme Court, without a jury, in the Full Court, with the same power to receive evidence on oath and hear and decide such claims for compensation as a judge of the Supreme Court sitting without a jury in civil cases in *nisi prius*, and subject to such mode of assessment, and such claim for compensation shall be brought as a claim against the Crown in accordance with the law for the time being relating to suits against the Crown.

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

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

INSECT PESTS ACT AMENDMENT BILL.

Read a third time, on the motion of the HON. R. S. HAYNES, and transmitted to the Legislative Assembly.

STREETS CLOSURE (FREMANTLE) BILL.

Read a third time, on the motion of the HON. A. B. KIDSON, and *passed*.

GOLDFIELDS ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Randell): In moving the second reading of this Bill, I wish briefly to refer to what is already well known to hon. members. A new Mining Bill was introduced into the Legislative Assembly, and discussed at considerable length; and the Committee on the Bill arrived at a certain

stage, when the Bill was referred to a Select Committee, who brought up a report that, taking into consideration the many contentious clauses contained in the measure, there was little probability of the Bill being passed during the present session. In consequence of that report, the Bill was withdrawn. This small amending measure was then introduced, and now it has come to this House from the other branch of the Legislature. I believe the most important alteration in the present Goldfields Act is that which refers to the celebrated section 36, which has been the subject of great contention, and upon which much argument has been used on both sides, by leaseholders and alluvial miners. I propose to refer only to the different amendments made in the sections of the Goldfields Act of 1895, as I go along. So far as I have been able to gather from the little acquaintance I have with mining matters, the new Bill does certainly improve many sections of the existing Act. It provides some new clauses which are useful and necessary I think, and defines very clearly the subjects embraced in the 36th section to which I have referred. Clause 2 of the Bill gives a new definition of alluvial. The old definition says, "Any loose soil, earth, or other substance containing or supposed to contain gold, not being a seam, lode, or quartz vein." The new definition is, "Alluvial, any earth containing or supposed to contain gold, not being a lode, dike, reef, or vein." The definition of earth is amended by taking out all the words after "any" and inserting "clay, sand, soil, or other material of an alluvial character or origin." In dealing with the definition of "business," the effect of the amendment contained in clause 2 is to prevent any Asiatic or African alien from hawking on the goldfields. This, I believe, has been almost universally asked for, especially by the workers on the goldfields of the colony. Clause 3 amends section 13 of the principal Act by adding at the end of the section the words "or a business license as the case may be." These are necessary words, as clause 3 applies to land held under business license as well as that held under a miner's right. Clause 4 amends section 14 of the principal Act.

The object is to make section 14 clear, and to prevent Asiatic aliens working as miners. The clause also provides that the labour of an aborigine shall not count in fulfilling the labour conditions. That is the proviso at the end of the clause, and reads, "provided also that the labour of any aboriginal native of Australia shall not be counted *bona fide* work for the purpose of fulfilling the labour conditions upon any claim, lease, or authorised holding." This also is in the interest of European or white workers. The amendment to section 17 is to make the section clear and to correct a typographical error in the section. Clause 7 provides for exemption from labour conditions, described in the principal Act as exemption from work, which is not very clear. This clause, I believe, was introduced by the member for Albany (Mr. Leake). To this clause a small amendment will be moved in Committee to strike out the words "in the opinion of the warden." The reason for striking out these words is that they are superfluous in regard to section 25 of the Act, and they would be misleading in regard to the 46th section, which provides for the Minister dealing with leases, and the warden only dealing with other matters. The first, second, third, and fourth sub-sections of section 25 are struck out from the principal Act, and new provisions inserted. Hon. members will see that there is a considerable difference between the grounds for allowing exemption in this Bill and those which prevail under the present Act. The first reason is "want of capital after a fair sum shall have been expended." That is how it will appear after the clause is amended. The next reason (b) is a new sub-clause, which states "that time is required for the erection of machinery." The next ground is partly new and partly old—"the influx or scarcity of water." It was provided under the old Act for scarcity of water only. Another ground (d) is new—"scarcity of labour;" (e) is new—"collapse of the working shaft;" (f) is the same as now obtains in the present Act—"that the mine is for some other cause unworkable;" (g)—"that the owner or owners require to be absent, for some sufficient reason, from the locality, or is or are unable, by reason of sickness

or other sufficient cause, to work the mine," is the old section somewhat altered. Sub-clause (h) is new—"that the title to the mine is in dispute, or that the owners of two or more adjacent claims desire to concentrate the labour compulsory on such claims on one of such claims, and to obtain suspension of labour for the other claims." Hon. members will see that this is distinctly in the interests of the leaseholder. Clause 8 deals with the subject dealt with in part 3 of the principal Act—gold-mining leases and exemption of land from lease; also as to an alteration in the wording of the sub-section. Clause 9 is new and provides that a warden may obtain a report on an application for a lease being made. Clause 10 repeals section 36 of the principal Act over which so much contention has taken place, and it provides as follows:

Section thirty-six of the principal Act is repealed, and such repeal shall take effect as from the twenty-third day of September, one thousand eight hundred and ninety-eight, and in lieu thereof the following section is inserted:—"36. An application for a lease shall entitle the applicant to mark out and take possession of the land applied for, and to hold the same, except as against any holder of a miner's right desirous of entering upon any portion of the said land, pending the granting of the lease, for the purpose of searching for and obtaining alluvial, subject to and in a manner to be prescribed by the regulations."

It is proposed to strike out one sub-clause with a view of inserting the following words which will make it very distinct and clear, "Provided that the applicant may mark any portion not exceeding one-third of the area of the land applied for, and shall have exclusive use of such portions for buildings, shafts and works until the lease is granted or refused." I believe that a similar clause to this was proposed in the Legislative Assembly by Mr. Vosper, but it was found it would not accomplish the object he had in view, inasmuch as it prevented the leaseholder from having any more land than that on which his shaft and buildings stood. This new sub-clause proposes to give one-third of the land embraced in the amount applied for. There is another sub-clause providing for a reward being given when a lease is refused: "Providing also that the applicant for a lease may, in the event of the refusal of his application, subject to the regulations, obtain an alluvial reward

claim for any new discovery of alluvial made by him within the boundaries of the land applied for." It seems that this is only a right and just thing to do. A man who has spent his money and discovered gold should have a pre-emptive right—if I may use the word—to a reward claim, on the land where he has made his discovery. Clause 11 is new and speaks for itself; which I may also say of clause 12. The latter portion of this clause says: "(3; This section shall not extend (a) To labour conditions; or (b) To any provision, regulation, covenant, or condition relating to the entry upon and inspection of the mine, or the working thereof, on behalf of the Crown." After notice has been given to the applicant he has the right to apply to the warden for relief to be afforded to him, and his case shall be heard and judged on its merits. No man can go behind his back and obtain the forfeiture of his lease, nor can anyone until he has given notice to the parties interested. Clause 13 provides for the amalgamation of four leases, making the total amount of land held 96 acres. A fee of twenty shillings for each lease amalgamated has to be paid, and the labour to be employed in or in connection with such amalgamated leases shall be the same labour conditions as in each separate lease. It will be seen that the labour conditions must be fulfilled, and no undue privilege is accorded to the leaseholder. Clause 14 contains a proviso that in the case of the first breach of the labour conditions—this is a useful provision and seems to be very righteous—the Governor may impose a fine instead of at once forfeiting the lease. Clause 15 is new, and is inserted in case a church has been erected upon land which has been leased. Clause 16 provides that the lessee need not hold a miner's right, and clause 17 deals with applications for land not within a goldfield. Clause 18 amends section 48 of the principal Act, the amendment striking out the words "conclusive evidence" and inserting in lieu thereof "*prima facie* evidence." That is done for the purpose of providing that the accident of a printer's error in the publication of a notice, shall not cause any lease to be forfeited, or involve the necessity of obtaining an Act of Parliament to put matters right or to protect the Government from damages. Clause

19 deals with notices such as are required under sections 45 and 48 of the principal Act, and clause 20 provides for a register of buyers and dealers in gold, and records of sales and purchases. This is a clause which was recommended by the Mining Commission, adapted by the Government, and approved by the Legislative Assembly. Sections 85 and 89 of the principal Act are repealed, and clause 22 provides that mining appeals shall be made to the Supreme Court *in banco*, and not to the warden's court; which provision will, I take it, commend itself to hon. members. There is great necessity for amendment of the Goldfields Act, and it is expected and hoped the alterations and improvements which have been made—especially in section 36, in which the dual title is involved—will have the effect of considerably assisting the gold-mining industry in this colony. I move the second reading of this Bill.

HON. A. P. MATHESON: I do not propose to detain the House at any length upon the Bill at this stage. The gist of the most important part of the Bill is contained in clauses 9 and 10, which most materially affect the present position of affairs. Clause 9 practically provides—it does not do so very effectually, and it might be improved—that no lease shall be granted until it has absolutely been ascertained that the ground, subject to the application for the lease, does not contain alluvial. If the warden has any evidence before him that the ground contains alluvial, he postpones the hearing of the application, and if, during six months, alluvial is proved to exist on the ground, he refuses a lease. In that way any question as to a dual title is avoided, rather, I think, to the disadvantage of the applicant for a lease, who during that period gets no title at all, with the risk that in the end his application may be refused. If alluvial be discovered by the applicant for a lease, he is allowed to have a reward claim, so that all his work is not lost; but, if alluvial happens to be discovered in the neighbourhood—not on the area in respect of which he has applied—he gets no privilege whatever, but entirely loses the work which he has put into the application area. Under all the circumstances, I do not think the alluvial

workers have the least reason to complain of the tendency of this Bill. So far as the other side of the question is concerned, a small compensation is provided for the leaseholder as soon as he has obtained his lease after this period of probation. The warden presumably has to satisfy himself that no alluvial exists on the lease, or that all the alluvial has been exhausted, and it is then competent for the warden to grant a lease. Once a lease is granted, the leaseholder is sole owner of the area, and that area cannot be entered on by any holder of a miner's right for the purpose of searching for alluvial. It is perfectly clear that if this Bill be put into proper execution, there will be no temptation whatever for the alluvial miner to enter on a lease; because, during the probation period, it will have been conclusively proved that no alluvial is there, or, if the reverse holds good, that the alluvial has been exhausted. As I said before, I think that clause 9 might be considerably improved if the term of probation of six months were made absolute. According to this clause, it is optional for the warden, if he has any reason to suppose there is alluvial—

THE COLONIAL SECRETARY: The provision is that the period must not exceed six months.

HON. A. P. MATHESON: Exactly; I say the period is optional, and I should be inclined to make it absolute. But, seeing the Bill has been before another place, and dealt with by men who are very much more interested in mining than I am, I do not propose to move any amendment in that direction. The only other radical alteration in the Bill is the provision for the registration of gold buyers, and this is most desirable in order to prevent theft. At present, it is absolutely impossible to check theft of gold, and amalgam is very easy to sell. Anybody can buy it, and anybody does buy it, and it is impossible to trace who buys it, or from whom it is bought. Under this Bill, as soon as a registry is established, the police will be able to come to the gold buyers and quickly ascertain who vendors are. If the vendor be known to be an amalgamator, and the mine at which he is employed is losing gold, the evidence will be strongly pre-

sumptive that the gold has not been properly come by. Under the circumstances, this provision is most desirable.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 6.20 p.m. until the next Tuesday.

Legislative Assembly,

Thursday, 13th October, 1898.

Paper presented—Message: Loan Estimates, Appropriation—Joint Committee, Official Receiver: Report presented—Coolgardie Mining Exhibition Bill, first reading—Roads and Streets Closure (No. 2) Bill, first reading—Bankruptcy Act Amendment Bill, third reading—Mining on Private Property Act Amendment Bill, second reading—Metropolitan Waterworks Bill, in Committee, reported—Health Bill, Legislative Council's Amendments—Annual Estimates, in Committee of Supply (resumed), Miscellaneous Services (Division) to Admiralty Surveys, inclusive—Insect Pests Act Amendment Bill, first reading—Workmen's Wages Bill, Legislative Council's Amendments—Wines, Beer, and Spirit Sale Amendment Bill, Legislative Council's Amendment, further considered—Zoological Gardens Bill, second reading—Interpretation Bill, Legislative Council's Amendments, further considered—Adjournment.

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

PRAYERS.

PAPER PRESENTED.

By the PREMIER: By-laws of Claremont municipality.

Ordered to lie on the table.

MESSAGE: LOAN ESTIMATES, APPROPRIATION.

Message from the Governor received and read, recommending appropriation for the Loan Estimates of the year.

JOINT COMMITTEE: OFFICIAL RECEIVER.

REPORT.

MR. KENNY brought up the report of the Joint Select Committee which had been appointed to inquire into the administration of the Bankruptcy Department by the Official Receiver.

Report received, read, and ordered to be printed.

COOLGARDIE MINING EXHIBITION BILL.

Introduced by the PREMIER, and read a first time.

ROADS AND STREETS CLOSURE (No. 2) BILL.

Introduced by the COMMISSIONER OF CROWN LANDS, and read a first time.

BANKRUPTCY ACT AMENDMENT BILL.

Read a third time, on the motion of MR. ILLINGWORTH, and returned to the Legislative Council, with amendments.

MINING ON PRIVATE PROPERTY ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. H. B. Lefroy), in moving the second reading, said: The provisions embodied in the Bill are those set forth in that part of the Mining Bill, lately withdrawn from the House, relating to mining on private property. The Bill has been before hon. members for some three months, and I feel sure the House is entirely conversant with all the provisions of it. It is necessary that the Bill should pass through Parliament during the present session, as the Act now in force is found to be unworkable. The Bill contains the latest legislation of Victoria with regard to mining on private property, passed in 1897. It provides the methods of mining on private property, and I think the owner of private property is protected in every possible way under the Bill, while every provision is made to enable anyone wish-