MR. LOTON thought that all the words after the word "obtained," in the sixth line of sub-section (*k*), should be omitted. The sub-section in question provided that no lessee shall transfer his right, title, and interest in a lease, except with the approval of the Commissioner, and provided that the person to whom the transfer is made does not hold (together with the portion to be transferred) more than 5,000 acres under conditional terms, within the division in which such lease is situated. The hon. member pointed out that this would debar everybody except men with a considerable amount of capital from taking up land, as they would be unable to obtain any financial assistance. There might be half-a-dozen lessees within an area, each holding 5,000 acres, and if a bank or anybody else advanced any money to one of these lessees upon the security of his lease, none of the other five would be able to obtain any financial assistance from the same bank, as the bank would already be holding the maximum quantity of land which a transferee was allowed to hold under this regulation. The hon. member for the Greenough told them the other day that when a man mortgaged his land all the steel was gone out of him; but he would ask the hon. members what some of the settlers of the North-West district would have been at the present day if somebody had not put the "steel" into them, by assisting them to tide over their difficulities. [MR. VENN: They have got too much in them now.] It would be a good thing if some of them had more "steel" put in them. Hon. members who sat round these benches knew as well as he did that it would be futile passing these regulations unless some means were provided to enable lessees to obtain accommodation and assistance on the strength of some tangible security.

MR. MARMION thought it was necessary that some provision should be made to meet this difficulty, but they would have to be very careful. If they were to allow indiscriminate transfer all a man would have to do would be to get a whole lot of people to take up land and then get them to transfer it to himself—thus leading to all the evils of dummyism. A man in this way might become possessed of all the land in any area. He understood the Commissioner had no objection to introduce a mortgage clause to enable conditional holders to mortgage their leases simply for purposes of security; and that appeared to him the only way to meet the objection.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said if it was the general wish of the committee he would see whether it would not be possible to introduce into these regulations a mortgage clause similar to that in the Queensland Act, for purposes of security only, and not to have the effect of an assigned lease.

THE HON. J. G. LEE-STEERE thought they were all unanimous as to what it was desirable should be done, but the clause would evidently require to be recast, and he thought it would be necessary that it should be drafted by a legal gentleman.

THE COMMISSIONER said he could not promise to bring in a mortgage clause, but he would look into the matter.

MR. SHENTON moved that progress be reported.

Agreed to.

Progress reported.

The House adjourned at half-past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 30th July, 1886.

Telegraph, Roebourne to Derby: When to be commenced—Report on Kimberley Goldfields by Hall and Slattery—Weir across the River Swan—Appropriation Bill (Supplementary): third reading—Criminal Law Procedure Amendment Bill: in committee—Magisterial Districts Bill: second reading—Land Regulations: further considered in committee—Adjournment.

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

PRAYERS.

TELEGRAPH FROM ROEBOURNE TO DERBY.

MR. MARMION asked the Director of Public Works whether he had received

any intimation from the contractors for the Derby telegraph line, as to their intentions with reference to commencing the erection of the line from Roebourne to Derby, and whether he could inform the House when the work was likely to be put in progress. The hon. member said his only reason for asking was because there was a feeling outside that no time should be lost in proceeding with this telegraph line, now that the goldfields had been declared. He should think the Government would find it very convenient and very useful, and that the sooner the line was completed the better.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said that the agent for the contractors of the work only arrived in Perth yesterday, and he had informed him that the manufacture of the necessary plant and material was proceeding; that they purposed starting work in about two months; and that the line would be completed well within the time specified in the contract.

KIMBERLEY GOLDFIELDS: HALL AND SLATTERY'S REPORT.

MR. McRAE asked the Acting Colonial Secretary if the Government had received any report from the mining prospectors, Messrs. Hall & Slattery, upon their return from the Mount Barrett goldfields this year; if so, why such report had not been published?

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the Government had received a report from Messrs. Hall and party, accompanied by a confidential statement as to the quantity of gold found by them, and the time in which it was found. As this statement had been accepted in confidence by the Government Resident at Derby, the Government did not feel at liberty to publish the papers, of which it constituted the most important part. The main facts relative to Messrs. Hall and Company's operations, and to the gold found by them, had since been made public from other sources.

WEIR ACROSS THE RIVER SWAN.

MR. HARPER, in accordance with notice, moved: "That an humble address be presented to His Excellency "the Governor, praying that he will be "pleased to place a sufficient sum of "money on the Estimates for 1887 to "carry out the recommendations contained in Sir John Coode's communication enclosed in His Excellency's Message No. 18 of last session, and also "for the purpose of procuring an estimate of the cost of the construction of "a weir across the River Swan, at a suitable spot above the Perth Bridge." The hon. member said it would be in the recollection of the House that he moved last session an address on this subject, which was carried by the House, and the Governor, in replying to the address, said that the preliminary step recommended to be taken in the matter by Sir John Coode—namely, that of ascertaining, in the dry season, the proportion of sea water which the proposed weir would exclude from the river—would be taken in due course. He was not aware that anything had been done in the matter since. The question was one of great—he might say extreme—importance to this part of the colony. As they all knew, the population of the colony was now rapidly increasing, and, with the large public works about to be undertaken, must still further increase; yet the local supply of dairy and other produce was altogether insufficient to meet the local requirements, large importations having to be made from the other colonies, although there was any quantity of excellent land that would be available for dairy farms on the banks of the Swan, if it were found possible to prevent the flow of salt water inland. He noticed that last year under the three heads of potatoes, onions, and butter alone, we imported into the colony nearly £13,000 worth. Some of these items, he believed, had doubled during the last year, and there could be no doubt that the importations would still further increase during the present year. The growing population of the colony, and especially of the two principal towns, made it very apparent that something should be done to enable local producers to supply the local demand for such simple things as dairy produce. Beyond the articles he had mentioned there was one of very great importance to an urban population, and that was the milk supply. He

thought he was right in stating that at present there was very great difficulty in obtaining an adequate supply of milk in these two towns, and especially in Perth; and he thought it was pretty well known that a deficient supply of milk was a most injurious thing to any community, especially in the case of children. He thought he might depend upon the junior member for the city (Dr. Scott) supporting him in saying that a short milk supply had a very serious effect upon the death rate in our towns, as regards infant mortality. Besides this, when the supply was not equal to the demand it offered special temptation to those persons who might be inclined to adulterate milk to do so. The motion which stood in his name had for its object the shutting out of the sea water, which, owing to tidal influences, flowed up the river inland, and by shutting out the salt water enable the fresh water to be utilised for irrigation purposes. To show hon. members how extremely necessary it was that something should be done in this direction, before the country could supply itself with dairy produce, even to meet the local consumption, he might just mention the fact that from the early part of November last to some time late in January there was not a sufficient fall of rain to have any appreciable effect upon vegetation. Therefore he thought it would be recognised that until something were done to admit of irrigation being resorted to, it was morally and physically impossible that any great increase could take place in the local production of dairy produce and vegetables for our principal towns. He considered the matter one of such very great importance that, if it were only possible, he should have preferred moving that some steps should be taken beyond what he now proposed. But he felt that until some examination had been made of the river and a survey made, nothing definite could be done in the matter; therefore he hoped that the members would support him in this address.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) said it was perfectly true that an address was adopted by the House last session recommending that some steps should be taken in this matter, but, unfortunately, the necessary funds—the "sinews of war"—were not voted for carrying it out, and it had been utterly impossible for him consequently to have made the necessary surveys. To do that alone would cost at least £2,000, and it would be useless incurring that expenditure unless the House was prepared to provide the necessary funds for constructing this weir, which would be a very costly affair. If they were in a position to incur this expenditure, then no doubt a survey ought to be made, but it would simply be a waste of money to make a survey unless they were prepared to follow it up by the construction of the proposed weir. There was not the smallest doubt that it would be a very great benefit if this were made and the salt water shut out, as it would lead to the reclamation and cultivation of a considerable area of land well suited for the growth of dairy produce. But it was a difficult matter to deal with. He had been up the river on several occasions, and it was very difficult to fix the spot where this weir should be, without encroaching largely upon the lands of private owners, who would probably expect very liberal compensation in the event of their land being damaged. Therefore, looking at all the circumstances, he thought they should pause before proceeding to incur this expenditure. The hon. member who brought it forward said the milk supply in Perth was getting short, and that this was a very serious matter. There was no doubt that the milk supply was totally inadequate, but it had struck him that possibly this was a question of "Simpson." It appeared to him that the hon. member's argument was a very good argument for increasing the number of cows rather than increasing the volume of water. The hon. member also complained of the deficient supply of potatoes, onions, and butter; but he really could not see what this had to do with the question before the committee. It appeared to him that it would be useless expending any money in surveys, unless the House felt that it was in a position to expend at least £20,000 in the construction of a weir.

MR. SCOTT said he could cordially endorse what had been said by the hon. member for York as to the question of milk supply and its effect upon the

death rate, as regards infant mortality; but how far that point affected the question before the committee, he was not prepared to say. But that an inadequate milk supply was prejudicial to the health of infants was undeniable.

MR. HARPER: Will the Director of Public Works kindly inform the committee what it is that would require so large a sum as £2,000?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): We should have to start by making surveys, obtaining levels, cross sections of the whole area of land liable to be affected, liable to the influence of a flood, and, so far as I can see at present, that would extend at least for ten miles. It is a matter that would take two years at least before it could be done, and before we would be in a position to report upon the matter to Sir John Coode. As I have already said, I have been up the river myself, and I cannot recommend any place where this weir could be constructed without interfering very materially with vested interests as regards landed property. The physical peculiarities of the river Swan are such that wherever we have a high bank on one side we are almost sure to have a low one on the opposite side, and the result would be an inundation, with the probable consequence of our having to pay a considerable sum in the way of compensation.

MR. PARKER said some discussion had taken place about the bearing of the present motion upon the milk supply of Perth, and the hon. the Commissioner suggested that the question was rather one of cows than of a weir. They had heard a great deal lately from political parties in England about "three acres and a cow;" he did not know whether the present motion was going to resolve itself into the same question. It did not appear to him to be a question of an adequate milk supply or an inadequate milk supply; they had a very different question to that to consider, and that was this: would they be justified in appropriating any money out of the public purse for the improvement of the lands of private owners? That was really what it came to. That was the principle involved in this resolution. Would they be justified in expending £20,000 in placing a weir across the River Swan in order to enable the owners of agricultural land in the neighborhood to keep more cows, and to sell more milk? He could not himself possibly agree to a vote of public money for any such object.

MR. HARPER said, as to the principle involved in spending public money upon purposes of irrigation, the hon. member for Perth, in opposing that principle, was running contrary entirely to the principle recognised in those colonies possessing Responsible Government. The colony of Victoria had already spent enormous sums in connection with this very matter, and it was now proposed to spend some millions more.

MR. PARKER: So shall we when we get Responsible Government.

MR. HARPER said the principle adopted in the other colonies with regard to irrigation was for the Government to find the money and do the work, and for the owners of the land who benefited by it to be specially taxed to pay the interest on the money expended; and he did not suppose any owner of land on the banks of the Swan would object to do the same thing.

MR. PARKER said that certainly put the matter in a somewhat different light. But, seeing that it would be useless to go to this preliminary expense unless they were prepared to follow it up with an expenditure of at least £20,000, at an early date, it appeared to him it would be impolitic to incur this preliminary expenditure. Apparently Sir John Coode himself was not very favorably inclined towards this weir. In his report to the Government he said: "Before any action is taken this matter should in my opinion be carefully considered with reference to the actual proportion of the sea water that would be excluded by the proposed weir. It is true that the column of sea water flowing into and out from the river daily is limited . . . . . nevertheless during the several dry weather months of each year the maintenance of the river channel for navigation near the entrance is in a great degree dependent upon the tidal source, small as it is." Sir John Coode adds: "The exclusion of tidal water by the erection of weirs across rivers is held to be contrary, in principle, to sound practice." It would appear from this report that it was very doubt-

ful indeed whether this weir would be beneficial at all, and, under the circumstances, and, in view of what had been stated by the Director of Public Works, he hoped the hon. member would not press his motion.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said he did not rise with any intention of opposing the motion, if the House wished to pass it. At the same time, after what had been stated by the Director of Public Works, he hoped the hon. member would see fit to withdraw his motion, for the present at any rate. With a present outlay of £2,000 and a prospective expenditure of £20,000, it became a question of whether the game would be worth the candle.

MR. HARPER said he was very glad to have drawn from the Engineer-in-Chief an opinion upon this subject, and an estimate of the probable cost; but he hoped the hon. gentleman was not correct in his estimate. With regard to Sir John Coode's report, everyone who knew the river Swan at all must know that for days and weeks together there was no flow at all.

MR. RANDELL said, as possibly the subject might crop up again at some future date, he should like to say that he thought it opened up the question of whether it would be prudent to attempt this work at all. It was quite probable that they might create a stagnant pool which would prove more injurious to health than even an inadequate water supply. Knowing every inch of the river as he did, as far as navigation used to be carried on, he might say that in almost every instance, as had been mentioned by the Commissioner of Railways, when they found a high bank on one side they found a low-lying bank on the other side; and the result of constructing this weir, unless they were very careful, might be disastrous. He thought the Commissioner's estimate as to the probable cost was under the mark rather than over it, if they were going to have a properly-constructed weir. His own opinion, based upon his own observations and his knowledge of the river, was that the cost would very much exceed the sum mentioned by the Commissioner. He thought with the Commissioner that it would be useless expending this money upon a survey of the river, when there was no probability of the Council, at present at any rate, being able to vote the funds necessary for carrying on the work. The rise of water sometimes at the head of the Swan was as high as 27ft.—showing the great difficulties that would have to be encountered; and he could not help thinking himself that it would be a useless expenditure of money.

MR. HARPER: I have no wish to press the motion.

MR. PARKER: Then I move, sir, that you do leave the Chair.

Question put and passed.

The House resumed.

APPROPRIATION BILL (SUPPLEMENTARY), 1886.

Read a third time and passed.

CRIMINAL LAW PROCEDURE AMENDMENT BILL.

The House went into committee on this bill.

Clause 1.—Questions of law may be reserved at Courts of Criminal jurisdiction, for consideration of Judges:

Agreed to.

Clause 2.—Questions reserved to be certified by Judges:

MR. PARKER said he noticed by this clause that in the event of a difference of opinion between the Judges, the opinion of the majority of them shall prevail in case there shall be more than two Judges. What would be the result in the event of there being only two Judges, and they agreed to differ? So far as the Full Court was concerned the opinion of the Chief Justice prevailed, but here, apparently, no such provision was made.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Under this Act until there are three Judges appointed, if the two disagree the party who reserves the question of law will gain nothing.

MR. PARKER: A case of "As you were."

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): So it seems.

The clause was then put and passed.

The remaining clauses were agreed to *sub silentio*.

Preamble and title, agreed to.

Bill reported.

MAGISTERIAL DISTRICTS BILL.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith), in moving the second reading of this bill to provide for the constitution of magisterial districts, said the object of the bill was fully explained in the preamble. Certain doubts having arisen as to the legal constitution of the magisterial districts which had been declared in different portions of the colony, and as to whether the same could in all or any cases be judicially noticed, and whereas it was expedient to remove such doubts, and to make provision for the legal constitution of such districts, the present bill had been brought in to remove these doubts, and to give the Governor power at any time, and from time to time, to proclaim such districts.

MR. PARKER said he might inform the House that he knew from his own experience that this bill was absolutely necessary. Many questions had arisen as to matters which had to be done, under the law, within magisterial districts, and questions of jurisdiction frequently arose, —as, for instance, under the Scab Act, with reference to an Inspector's district,— and no statutory definition, so far as he knew, had ever been given of the meaning of the term magisterial district. He thought the bill was a very good bill.

The motion for the second reading of the bill was then put and passed.

LAND REGULATIONS.

The House went into committee for the further consideration of the new Land Regulations.

Clause 41—(Adjourned debate—*vide* p. 273 *ante*).

MR. SHENTON said he had moved to report progress when this clause was under consideration before, in order that the Commissioner of Crown Lands might consult with the law officers of the Crown as to whether under the transfer clause (sub-section *k*) the banks or other financial institutions could hold, under transfer, more than 5,000 acres, or whether it would be necessary to have a new clause inserted.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) moved that sub-section (*k*) be struck out. Objection was raised to this sub-section the other day on the ground that it would debar lessees from obtaining financial assistance, inasmuch as the clause limited the quantity of land which a bank or other transferee could hold, under conditional terms, to 5,000 acres. He now moved that the sub-section in question be struck out. He did so because he thought, upon reconsideration, that transfers of all kinds under these regulations would be better dealt with under one general head, and he proposed introducing two or three clauses dealing with the subject generally.

MR. PARKER pointed out that it would also be necessary to amend the preceding sub-section (*d*), already passed, which provided that the total quantity of land to be held by one person under this clause, within any division, shall not exceed 5,000 acres. He thought it would be as well when they came to deal with questions of transfer that there should be two classes of transfer, one absolute, and the other by way of mortgage, and that, as regards the latter, it would be necessary to provide that a mortgagee simply holding land by way of security should be allowed to hold an unlimited quantity; and that, as regards the former, while there should be a limit as to the quantity of land held by a transferee, the transferee should have power to sell the land in case of default being made in the repayment of the money advanced, and that the Commissioner should register the purchaser of the land as the holder.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had considered the points referred to, and he had no doubt that after consulting with the Attorney General they would meet the knew wishes of the House. They now exactly what was required, and the only difficulty would be how to accomplish it.

MR. VENN pointed out that it would be necessary to make some provision whereby, before a mortgagee foreclosed, the lessee should have some right of redemption, otherwise the value of the land as a marketable security would be very much affected. The security would not be so good as if anyone else besides the mortgagee could compete for the land. The lessee would be entirely at the mercy of the man to whom the land had been mortgaged.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said that also

was a point that would be considered. On the other hand, they must give as much security as possible to the mortgagee.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the difficulty that presented itself to his mind was this: if they opened the door at all for transfers, they must provide against fraud. If the idea was that mortgagees should be allowed to hold an unlimited quantity of land, and that transferees were to be limited to 5,000 acres, the probability was that, under color of mortgage, a great deal of land would pass absolutely to the mortgagee, the man who had advanced money on it. They would have a great deal of ostensible mortgagees, and very few *bonâ fide* transferees, and the door would be opened to fraud at once.

MR. MARMION thought the difficulty might be got over by requiring the mortgagee and the mortgagor to make a statutory declaration, the one to the effect that the money advanced was only borrowed, and the other that it was only lent. He did not think there would be so many difficulties surrounding it as the Acting Attorney General apprehended.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the hon. member for Fremantle's faith in the moral excellence of those who had dealings in land was somewhat stronger than his own.

MR. CROWTHER said the regulation as it now stood with regard to transfer was certainly valueless. His own experience was that, apart from the banks, the men who would be likely to lend money to these small holders would be men who already held 5,000 acres in the same division of the colony; and, if a man had to go out of his own district, where he was known, and enter what he might call a foreign market to borrow money he would have to pay pretty dear for the accommodation.

MR. MARMION said that, after all, the same provision obtained elsewhere as regards the limitation of the quantity of land to be held under transfer. It was in operation in the other colonies, he believed, where banks and financial institutions still flourished, and he was not aware that the limitation had been found to hamper lessees very much in obtaining monetary assistance upon such securities.

MR. CROWTHER: Will the hon. member excuse me if I remind him that we are not legislating for the other colonies but for Western Australia. We want land regulations applicable to the circumstances of the land we live in.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he believed that in all the Australian colonies, including New Zealand, there was a limit to the area of land to be held by one person, and in some of the colonies the area was very small. He believed, too, that it was the universal rule in those colonies to allow no transfers at all of conditional purchases,—at all events for some years after the lease was granted; so that we would only be following in the wake of the sister colonies, and guided to some extent by their experience, in limiting these transfers. He himself was not in favor of allowing any man to hold an unlimited quantity of land; and, whatever some hon. members might think to the contrary, they had the experience of all the Australasian colonies against them.

MR. VENN thought that whatever had been the experience of the other colonies in other matters, in none of them had their systems of land legislation proved a remarkable success; and, whatever the Surveyor General might say or the hon. member for Fremantle to the contrary, the regulations there had not prevented capitalists coming in and acquiring very large estates, however much they might hedge round the acquisition of land.

MR. LOTON said he had seen no reason to change his opinion on the subject of transfers. He did not see any reason why they should deal on different lines with people who took up land under special conditions of improvement from what they dealt with with the pastoral lessee. The Commissioner of Crown Lands said they must take care that no one should hold more than 5,000 acres; but he would point this out—if we wanted to enable people with little capital to go into the market to raise money to enable them to improve their land we must not tie their hands; and he did not see why we should attempt to tie their hands, so long as we imposed certain conditions of improvement, which would be a sufficient guarantee that the land would really be

improved, or forfeited. So far as his voice would go, he would always be in favor of not restricting the energies or the ability of any individual. But he thought the House and the Government and the cleverest Attorney General they could get would find a difficulty, and a very great difficulty, in framing a clause enabling people to borrow money on their land and to give some tangible security, while they limited their power of disposing of the land in the market.

The sub-section was then struck out, as proposed by the Commissioner, and the clause as amended adopted.

Clause 42.—Free selection throughout the South-West division to be allowed, subject to the conditions of these regulations:

MR. WITTENOOM moved that the clause be struck out, and the following substituted in lieu of it: "Lands in the "South-Western division shall be classed "as 'agricultural' and 'pastoral.' Agri- "cultural lands shall be disposed of under "the conditions specified under the head "of 'conditional purchase.' Pastoral lands "shall be all those lands not deemed to "be fitted for agriculture, which shall be "leased, and in which no alienation shall "take place." As he had already said, he was opposed to free selection in any part of the colony, and he thought that lands should be classed according to what they were fit for. He did not think there would be the slightest difficulty in carrying out such a system of classification, although the Commissioner of Crown Lands seemed, by his public utterances, to regard it as a very gigantic affair. He thought that by the appointment of classifiers by the Governor or through the instrumentality of District Boards consisting of three or four experienced men, acquainted with the district, there would be no great difficulty in classifying the land to the extent of saying what land was fit for agricultural purposes and what fit for pastoral purposes, which was all that was here contemplated. As to the objection mentioned by the Commissioner of Crown Lands the other day—who wanted to know how anybody could at the present time decide how much land would be required for the next twenty-one years for agricultural purposes—his answer to that was, that we could only reserve what land we had, whether we did it now or five years hence, or twenty years hence. Free selections had been tried in the past, and, as was admitted by the Commissioner himself, had resulted only in spoiling the country.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he was sorry he was altogether unable, on the part of the Government, to entertain the hon. member's amendment. As to classification, he might point out that under these regulations as now proposed, classification would be quite possible if at any time it was desired or found necessary. It was possible in this way: the price named for the land was the minimum price only, and it would be quite competent for the Governor-in-Council to decide what the price of land shall be in any part of the colony, above that minimum. He must say that he did not look upon the hon. member's plan for classifying our lands as such a very simple process as the hon. member imagined; nor was it such a very easy thing to determine now what land would be required for agricultural purposes during the next twenty-one years. What one man might consider fit for agriculture another might consider unfit; and land which to-day might be looked upon as altogether unadapted for agriculture might, ten years hence, be looked upon as well adapted for that purpose, and all of it be made use of. When in Italy some years ago he was surprised to find every bit of soil, every little patch perched on the hill-sides, under cultivation; and there was no saying what might be done with land in these colonies some years hence. Even within our own past experience lands which would not be looked at some years ago were now anxiously inquired after—not only agricultural lands but also pastoral. He looked upon the hon. member's proposition as altogether impracticable. It might be workable if it proposed that power should be given to declare these areas from time to time as they might be required; but the amendment did not contemplate that, but that two or three persons should be deputed at the present time to declare what lands should be set apart for agricultural and what for pastoral purposes for the next twenty-one years.

MR. BURGES was sorry he could not agree with the Commissioner. He had

already expressed his own views on this subject of free selection, and he was more strongly opposed to it in this South-West division even than in the Northern division of the colony. As to classification, he considered that our lands could be classified, without much difficulty, for all practical purposes. He did not mean, nor did the hon. member for Geraldton mean, that there should be any attempt made at any elaborate or scientific system of classification, and that every piece of land in the colony should have a price put upon it. All that the amendment contemplated was that the land fit for agriculture should be picked out from lands that were only fitted for pasture, and he did not think there would be much difficulty about that. They could not alter the natural features of the land. There were large portions of the country even in the South-West division, where free selection was proposed, that were altogether unfit for agriculture, although by fencing and other improvements they might be utilised to some good purpose. But who was going to the expense of such improvements without some security that the land would not be taken from him, by these free selectors, under the system of indiscriminate selection now proposed? No man in his senses would think of doing so, and the consequence was the public estate had remained unimproved, and would continue unimproved.

MR. PARKER said he had always understood that it was regarded as a maxim of political economy that the squatter must give way to the agriculturist—[Mr. BURGES: Quite so]—that the squatter was the pioneer, but that, as settlement advanced, he must retire in favor of the cultivator. He had often thought, himself, that this was rather hard upon the sheep farmer, that, after spending large sums of money and expending years of toil in improving the land, he should be called upon to take a back seat, to make way for the agriculturist to come in and reap the reward of his (the pioneer's) industry. He did think it was rather hard that the pioneers of settlement, the advanced guard of civilisation, should, after bearing the heat and burden of the day in this way, be called upon to "move on," so as to make way for the tiller of the soil with his ploughshare and his hoe. But such was the inexorable law. It had been the experience of all other countries, and we could not expect that our own colony would prove any exception to the rule. But this amendment of the hon. member for Geraldton was altogether opposed to that principle of political economy. The hon. member said he would have no free selection in any part of the colony. Now he did think it was rather late in the day to put forward such a proposition as that. After the colony had been settled over 50 years, and free selection allowed throughout all these Southern portions of the colony, and—now that the squatter had selected his choicest blocks, secured his springs and waterholes, and virtually picked out the eyes of his runs, and rendered the land almost useless to anybody else—it did seem rather late in the day to ask that House now to shut up the remainder of the land for the next twenty-one years, and say there shall be no more free selection. That, he must say, appeared to him opposed to those principles of political economy which the past history of all other countries had taught them. He understood the hon. member for Geraldton to quote some remarks made by the Commissioner of Crown Lands in his speech introducing these Land Regulations. He (Mr. Parker) had not had the pleasure of listening to that speech, but if the Commissioner made the remarks attributed to him, as to the injurious results of free selection in this colony in the past, he quite agreed with the Commissioner. But he thought the Commissioner was referring to free selection, not as here proposed, but to that system of free selection which had enabled the squatter—which had compelled the squatter, he might say—to secure for himself all the best portion of his runs, to protect himself from other people. No doubt it was a very desirable thing that squatters should have security of tenure, so that they might be encouraged to improve their lands by fencing and otherwise, so as to enable them to dispense with shepherding, and to make the land carry more stock, and thus make sheep-farming a more profitable and lucrative pursuit. All that was very desirable. But there were other people besides the squatters who had some

claims to their consideration, and quite as much claim as the squatters, however estimable that class of colonists might be. What we wanted was a class of yeomen, who were the backbone of any community. However much good the pastoralist might do, the man we wanted was the man who would cultivate the soil and settle upon it. That was the man who would do the colony real good; and it did seem rather bad policy to attempt to shut out this class altogether for the next quarter of a century, and hand over the country to the sheep-farmer. This colony had just entered upon a liberal policy of railway extension, both as regards Government railways and land-grant railways, with the object of opening up the country for settlement; and was this the time to suggest that we should lock up the only remaining portion of agricultural country that we possessed, the only bit of good land that was left to us? He need hardly say that out of the millions of acres which we had handed over or reserved for the two railway syndicates, we should only get the refuse of that land. The major portion of the land now available for settlement, we might depend upon it, would be taken up by these syndicates, and what would be left for the Government alongside these railways would not be worth much. Yet the hon. member for Geraldton would have all this land shut up from the selector, and settlement retarded, and retarded most effectually. As to classifying the land, he was afraid that when these syndicates had made their selections there would not be much land to classify. It would be a very difficult matter, out of what would be left, to differentiate between agricultural land and pastoral land. What the colony wanted was a land system that would encourage—and not only encourage but insist—upon the land being utilised. We had had ample experience of the evils of letting people have enormous areas of land which they could make no use of, in the early days of the colony, when large estates were alienated by the Crown to the pioneer settlers. It was this plethora of land in the hands of individuals, who were unable to make any use of it, that had done so much to retard the progress and settlement of this colony. This Eastern Railway of ours itself ran through forty miles of land held in fee simple, a great deal of which had not been fenced to this day. The land remained in the same unimproved state as it was in fifty years ago, when it first came into the possession of those who still held it; and it remained so because they had not had the means to do anything to it in the way of improvement, while at the same time the land was locked up from others who might have done something with it. A great deal had been said about security of tenure, but surely it could not be said that security or insecurity of tenure had had anything to do with the fact that these fee simple lands had not been fenced or improved. Now, however, after allowing the squatters to take all they wanted, after allowing them the right of indiscriminate selection for the past fifty years, it was thought good policy and a wise policy by the hon. member who brought forward this amendment to say to those who would do some real good with the land—the small farmer, the "poor man" with his small agricultural holding—that we would have nothing to do with him, that we wanted all the land that was left for the pastoral leaseholder, —that, in short, there should be no more free selection permitted upon any consideration. So far as he was personally concerned, he thought that to adopt this principle at the present day would not only be impolitic, but would do more than anything else he knew of to retard the progress and settlement of this portion of the country.

MR. CROWTHER said that whilst thoroughly endorsing the principles advocated by the hon. member for Geraldton, still, in this instance, as in many more, we could not get over the historical fact that circumstances altered cases. Our paternal Government and the collective wisdom of the colony had reserved 16,000,000 or 18,000,000 acres of land in this particular district now under consideration for the benefit of certain Syndicates, who were about to introduce a large number of immigrants and commence colonisation on their own account. These Syndicates, being men of common sense, would, we might rely upon it, take the best of this land, and make good use of it; and it would be simply playing into their hands for the Government, having given them all this territory, to

lock up the remainder. He believed, himself, in the classification of land, and he also believed in the reservation of land upon a long tenure for pastoral purposes, to enable the squatter to make use of his land. But he also believed in extending a helping hand to the agriculturalist; and, when it came to the point of whether it was the pastoralist or the agriculturalist who had to retire, he was very much afraid it was the former and not the latter who would have to give way; and his advice to him was to do so as gracefully as possible.

MR. HARPER wished to record his opinion against the amendment. Whatever may have been the wisdom or otherwise of their land legislation in the past, he thought it would not only be unwise but extremely wrong to prohibit free selection in the future, in this South-Western division of the colony. There were many industries that might, and he hoped would, be carried out with success in this part of the colony besides growing corn,—such as the cultivation of the vine and other industries; and to arbitrarily divide and classify the land into "agricultural" and "pastoral" land would bring much of the land suitable for those industries under the class of pastoral land. He thought that the sooner those who were interested in squatting in this division of the colony recognised the appropriateness of the term applied to that class in Victoria, where the squatter was regarded as an "extinct animal," the better it would be for them.

MR. LAYMAN expressed his entire concurrence with what had fallen from the hon. member for Perth. If they stopped to consider the amount of money annually sent out of the colony for the importation of bread-stuffs and other articles of consumption that might and should be produced in the colony, they would see at once that to foster the agricultural industry was the very best policy we could adopt. With regard to the question of classification, he did not think there were so many obstacles in the way as the Commissioner seemed to think —at any rate they were not, in his opinion, insurmountable.

MR. BURGES said that when he spoke of security of tenure to the pastoral tenant he did not wish to cripple the agriculturalist in any way. He resented the imputation that the squatters wanted to monopolise the lands of the colony. Nothing of the sort. What he wanted was to give the pastoralist such land as was only fit for grazing purposes, and give him some guarantee that he would not be disturbed and harassed. As to the agricultural farmer being the backbone of the colony, he thought it was the small sheep farmer with their small holdings and a few thousand sheep who were the mainstay of the colony, and not the man who took up 100 or 200 acres, and cultivated five or ten acres out of it. That man did no good to himself and did injury to other people.

MR. VENN said whatever might be said about our land regulations in the past having been a failure, so far as encouraging cultivation and settlement went, the fact remained that, reckoning upon the basis of population, more land was held and cultivated here than in the other colonies. The reason why the regulations had not proved a great success was because the very men who would have done some good with the land had been excluded from making use of it.

MR. WITTENOOM said he had brought forward his amendment, as to classifying the land, in accordance with the express wish of his constituents. The amendment would assist the man who intended to take up land for agriculture to know where he could get such land. Objection had been urged upon the ground that it would be wrong to lock up all this pastoral land now because something might be discovered hereafter that would grow upon it; but, it appeared to him that if we took away from the pastoralists all that was fit for agriculture there would not be much left fit for any other kind of culture. After all, the land would not run away. It would come back to the State, in an improved condition, and enhanced in value.

The amendment of the hon. member for Geraldton was then put, and negatived, and the clause adopted.

Clauses 43 to 46:

Agreed to, *sub silentio*.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had several little alterations to propose in the next clause. In the first place he proposed to introduce an amend-

ment permitting direct purchase, not only within agricultural areas, but also outside those areas; but he proposed to reduce the quantity of land that might be purchased within an area to 1,000 acres, while, as regards land outside such areas, the limit would be 5,000 acres, as in these Regulations. This was a concession to those who wished to make a direct purchase, without the condition as to compulsory residence. It was also proposed to reduce the price of land from 20s. (the price specified in these Regulations) to 10s.; but, in addition to the condition as to fencing the land within three years, the Government proposed that 5s. an acre shall be expended in other prescribed improvements, within seven years. These alterations were introduced mainly because of the proposed departure from the original intention to limit direct purchase to land within agricultural areas, the present intention being also to allow direct purchase outside such areas, within the South-West division of the colony.

Mr. GRANT: What is the object of having declared areas at all if the price of land within those areas is to be the same as outside them?

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The difference is this: the conditional purchaser inside has twenty years, at 6d. an acre, to pay for his land, whereas the direct purchaser has to pay his money down. Within these areas residence will be insisted upon; but, as regards the land purchased outside these areas, there will be no residential clause.

Mr. LOTON said that to his mind it would have been a step in the wrong direction to have raised the price of land as was originally proposed, especially as it was proposed to hamper the holders of land with such stringent conditions. The land that would be left after the railway syndicates had their pick would only be very second-class land, and we could not expect people to pay more for it than they could get it for from the syndicates. Judging from the amendments which the Commissioner told them he proposed introducing in the new clause, there would be no necessity to protect squatters after this. He thought that the term "Direct purchase" was a misnomer altogether to apply to these clauses.

The COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): "Direct payment," it ought to be.

Progress was then reported, and leave given to sit again another day.

The House adjourned at a quarter past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 2nd August, 1886.

Decease of Mr. L. C. Burges—Adjournment.

The SPEAKER took the Chair at seven o'clock, p.m.

Prayers.

DEATH OF Mr. L. C. BURGES.

The ACTING COLONIAL SECRETARY (Hon. M. S. Smith): Sir—a short time ago there was removed from amongst us one who occupied an honorable position in this House himself, and who by his simplicity and honesty of character had earned for himself the regard of the whole community. Death, sir, has removed from amongst us, within the last few hours, another colonist who had held a position in this Council some short time ago, and whose name will, I feel sure, be historic in the colony, amongst whose pioneers he had held a prominent position,—one who, by his sterling worth, had, I may say, earned the regard of all his fellow colonists. It is, I think, right and meet, sir, that the Legislature should, in any way they can, recognise the services of the early pioneers of the colony, men who had to undertake numerous struggles and to encounter many difficulties in laying the foundation of the settlement; and, I