

Then there would be difficulties, because there were 14 holidays for which the Government paid their servants, but private employers would not pay for these 14 days; therefore there would be two elements clashing. All he understood was that the workers in the public service wanted the same privileges and rates of pay, and the same means of settling disputes, as those outside. The Bill as drawn gave these privileges.

MR. QUINLAN supported the amendment of the member for Subiaco, who had stated that the day labourers in the public service were paid less than those outside; but he knew that the day labourers in the public service were paid more than those outside, therefore he supported the amendment. The member for East Perth intended to move an amendment to Clause 8, making the Bill apply to railway servants only. That was another reason why he supported the amendment. The eight hours system had been adopted for the railway service wherever it could be made applicable, therefore logically the Committee were bound to carry the amendment.

MR. W. D. JOHNSON hoped the member for Subiaco would withdraw his amendment. He supported the clause as it stood on the explanation given by the member for East Perth, who stated that an employee working for the Government could join an outside union, but if there was no union outside, the Government employees could form a union of their own. As a carpenter he could not work for the Government as a union man, because the Government did not pay union wages; and right throughout the service he maintained the Government did not pay the same wages as those paid outside. The carpenters in the employ of the Government service were looked down upon because they belonged to the railway association, and were not recognised by the unionists outside. The employees of the Government did not care about the privileges: they wished to be paid the same rate of wages as ruled outside.

MR. NANSON: The member for East Perth proposed to allow any association of railway servants to register under the Bill.

MR. JAMES: That amendment would not be moved.

MR. NANSON: If it was fair to allow the Government railway servants to register as an association, why not allow those who were not railway servants to register?

On motion by MR. JAMES, progress reported and leave given to sit again.

ADJOURNMENT.

The House adjourned at 19 minutes past 11 o'clock, until the next day.

Legislative Council,

Tuesday, 21st January, 1902.

Papers presented—Motion: Tramways or Railways, not by private enterprise; division, negatived.—Public Notaries Bill, first reading—Motion: Fodder Plants and Grasses, Experimental—Return: Agricultural and Pastoral Pursuits, Statistical—Contractors and Workmen's Lien Bill, Select Committee's Report—Administration (probate) Amendment Bill, third reading—Dog Act Amendment Bill, third reading moved—Bread Bill, third reading moved—Excess Bill (1900-1), third reading—Carnarvon-Babbage Island Tramway Bill, third reading—Friendly Societies Act Amendment Bill, in Committee, resumed, reported—Trade Unions Bill, in Committee, resumed, progress—Fourth Judge Appointment Bill, second reading moved—Adjournment.

THE PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By THE MINISTER FOR LANDS: 1, Emoluments return in connection with the Estimates, 1901-2; 2, Report of the Registrar of Patents, Designs, and Trade Marks for the year 1900; 3, Report of the Superintendent of Government Labour Bureau for the year ending 31st December, 1901; 4, The Goldfields Acts, 1895-1900—new regulations under the; 5, Return showing gold production of the world for each of the ten years, 1891-1900; 6, Transcontinental Railway—report on preliminary examination of country between Kalgoorlie and Eucla;

7, Population and habitation returns, Census, 1901; 8, Monthly statistical abstract, No. 19, December, 1901; 9, The Goldfields Acts, 1895-1900—amendment of Regulation 128 and Judicial Regulation 4; 10, Width of Tires Act, 1895—by-laws framed by the Peak Hill Roads Board; 11, Public Works Department—special regulations for preventing the pollution of water in reserves near Wyndham; 12, Statistical Register, 1900—Part 3, Accumulation; 13, Statistical Register, 1900—Part 6, Industrial Establishments.

**MOTION—TRAMWAYS OR RAILWAYS,
NOT BY PRIVATE ENTERPRISE.**

HON. J. T. GLOWREY (South)
moved:—

That, in the opinion of this House, it is desirable that no farther concessions be granted to lay down private tramlines or railways until the whole question has been considered by Parliament.

He said: I am pleased to have an opportunity of moving the motion, because I consider the present arrangements or regulations are entirely unsatisfactory. We have one particular line of private railway on the goldfields which has lately been in competition with our State railways. We have a railway about 40 miles in length, and I believe that a farther extension of the present concession has been asked for. Another reason for the motion is that the State at the present time has not affirmed the principle of privately-owned railways. When these regulations were first introduced or framed they were for the purpose, I believe, of carrying timber to the saw-mills, and carrying the timber from the sawmills to the railway line. That I am sure was a very desirable arrangement, and one which I do not suppose has been abused. I am now referring to the only private railway we have on the goldfields. I believe there is a certain power vested in the Minister for Lands giving him power to grant concessions to lay down tramways. It is a complete misnomer to call such lines as these under review "tramways," seeing they are built to the same gauge as our State railways and are fit for the same rolling-stock. Over one railway I believe something like 1,000 tons of fuel is carried every day. The line, which is about 40 miles long, is not at its farthest

point more than 17 miles distant from the Government railway.

HON. R. S. HAYNES: What is the name of the railway?

HON. J. T. GLOWREY: The Kurrawang railway. I had no desire to mention the name of the Kurrawang Company, since it has cropped up sufficiently in both Houses of Parliament during the present session. I must confess, however, it came as a surprise to me to find there was a possibility of the present Government granting the Kurrawang Company any extension of the present concession. Some little time ago considerable opposition was voiced against the extension of the Kurrawang Company's concession at meetings held in Coolgardie, Kalgoorlie, and Boulder. The late Minister for Lands (Hon. C. Sommers) on one occasion gave a distinct promise that no farther extension would be granted. I do not object to privately-owned railways, which are in my opinion absolutely necessary, particularly on the goldfields; but I do object to the present regulations relating to their construction. If we are to have privately-owned railways, Parliament should be allowed a voice in framing regulations and rules for their construction. The principle involved being a very important one, I hope hon. members will support the motion and thus afford Parliament an opportunity of saying under what conditions private railways shall be built.

HON. F. M. STONE (North): Although I am to a great extent in favour of this motion, I do not think it should be passed in its present form. If a tramway company wish to construct a tramway in a town or city a provisional order has to come before the Cabinet, has to be passed by the Cabinet, and then has to go before Parliament for approval. Thus Parliament is always afforded an opportunity of dealing with any proposal to construct a private line of any description. If the present motion be passed, the construction of tramways and timber railways would be prevented altogether. Timber companies frequently require to build a short tramway in order to get at fresh supplies of timber; and by passing a motion of this kind we may possibly, therefore, throw out of employment a considerable number of men employed in the sawmilling industry. While no doubt

we are all in sympathy with the desire of the mover to prevent the granting of large concessions, we nevertheless do not wish to stop the granting of small concessions of the nature referred to, in which Parliament has a voice. As I have said, the adoption of this motion may block the construction of a tramway in a city; and yet the permission to construct such a tramway would necessarily come before Parliament for approval, the provisional order being embodied in a Bill which must be submitted to both Houses. Again, I am sure it is not Mr. Glowrey's desire to prevent a timber company from extending its timber lines from a portion of its forests which is cut out, to another where a fresh supply of timber is available. All these difficulties may be obviated by wording the motion somewhat differently. The adoption of the motion as it stands is almost certain to create great difficulties and inflict great hardship. I see exactly what Mr. Glowrey aims at, and am quite in sympathy with him, but think his motion goes too far. I therefore suggest that the debate be adjourned, to give me an opportunity of conferring with the hon. member with a view to drawing an amendment which would meet his wishes.

THE MINISTER FOR LANDS (Hon. A. Jameson): I trust the mover will not press his motion at the present time, since its adoption might have a highly detrimental result on important portions of our goldfields. Moreover, the adoption of the motion might react inequitably on various people who are now applying for permission to lay tramways. There is a certain difficulty in granting this permission. It is very doubtful whether the Minister for Lands has authority to grant permission to lay tram lines, or firewood tramways. The present Government have been unable to find any Act under which the Minister for Lands has such a power. The matter is at present being considered by the Crown Law Department; and it may be found advisable to bring in during this session a short Bill dealing with this question, so very urgent has it become. I desire to refer, in passing, to the position of the Kurrawang syndicate, with regard to which there seems to be a good deal of misunderstanding. The Kurrawang syndicate does not hold any concession

whatever, properly speaking. The minute under which they have power to construct their tramline is simply a minute approved by Cabinet. There is on record a minute by the then Minister for Lands (Hon. G. Throssell), dated 8th September, 1899, in which the following recommendation is made to Cabinet:—

I recommend the Cabinet to advise His Excellency the Governor in Council to approve of permission being granted to C. Jobson to lay a temporary tramway in the vicinity of Kalgoorlie (as coloured red on page 1 hereunder) for the conveyance of firewood only, during the pleasure of the Honourable the Minister for Lands, at a rental of £1 per month.

It is entirely within the discretion of the Minister for Lands to close the Kurrawang line at any moment. Nevertheless, the tramway has been laid and there are on either side of it certain reserves on which the Kurrawang Company cannot cut, thus finding themselves unable to carry on their work. The wood supplies available from their line being exhausted, their operations have necessarily come to a standstill; since the company cannot, of course, encroach on the reserves which have been declared. The question of firewood supply to the mines has, in consequence, become a most urgent one. Intelligence has been received from many quarters on the goldfields that if the Kurrawang Company be not enabled to cut firewood, the most serious difficulties are likely to arise—difficulties leading possibly to the closing down of some of the most important mines in Kalgoorlie. Several members of the Government, including myself, met to consider the matter; and we arrived at the following recommendation, which I commend to the notice of the House in order that the very considerable amount of misconception prevailing may be removed:

I recommend the Cabinet to advise His Excellency the Governor in Council to grant permission to the W.A. Goldfields Firewood Supply, Ltd., to lay down a tramway on the Kunanalling State Forest, as shown in blue on litho. page 50, subject, however, to that company undertaking to convey firewood cut by other than its own contractors over tramway referred to at Government rates, and, farther, subject to any Act or regulations which may hereafter come into force dealing with the construction of firewood tramways.

That minute is signed by myself and dated the 13th January. All that we

proposed to allow the Kurrawang Company to do is to extend their line through our reserves, subject to certain regulations, which will have to be drawn. If necessary, we propose to bring before Parliament a short Bill enabling us to grant the right to run small tramways throughout the districts in which there is need for them. I may remark, in passing, that there is great need for these tramways. The distance over which firewood has to be carted having now become so great that to haul the fuel supply demands three times the number of teams required three months ago, it is only reasonable that all who are cutting firewood for the mines should be allowed to run light lines of railway in the various directions in which they are required. To stop the firewood contractors from pursuing their business would probably cause damage to the whole State: it would certainly increase the cost of production of our mines by raising the price of firewood. I consider, therefore, that the House would act unwisely in adopting a motion which would have the effect of retarding the policy which the Government are desirous of carrying out. I can assure Mr. Glowrey that he will be safe in withdrawing his motion, as careful inquiry is being made with a view to placing before Parliament a Bill dealing comprehensively with the subject.

HON. J. M. SPEED: Why cannot the Government build these tramways?

THE MINISTER FOR LANDS: It is hardly within the province of the Government to build little tramlines all over the country. These lines are laid and left down for perhaps a year or 18 months; then they are pulled up to be re-laid somewhere else; and the process is repeated many times. I know of no country in which the Government builds or controls firewood lines such as these. That function is surely quite out of the province of the Government, who have enough to do in controlling this enormous State without taking on their shoulders the burden of managing firewood lines. At any rate, it is not at present part of the policy of the Government to construct and manage light lines for firewood traffic. I trust the hon. member, after hearing this explanation, will consent to withdraw his motion.

HON. J. T. GLOWREY: With great respect to the Minister for Lands, I am sorry I cannot fall in with his wishes on this occasion.

HON. G. BELLINGHAM (South): I am indeed glad to learn that the hon. member is not inclined to withdraw his motion. The House will, no doubt, remember that early in the session I brought forward a somewhat similar motion, which after long discussion was lost, I think, by one vote. The Minister for Lands now tells us that the Government have created a fresh monopoly for the benefit of the Kurrawang syndicate, notwithstanding all our protests. The Minister states that the Government have considered the advisability of opening a part of the reserve near Kunanalling, and allowing the syndicate to lay a line through it. This whilst members, not only here but in another place, have been throughout the session fighting to prevent the Government from allowing the Kurrawang syndicate to broach the areas reserved. I consider the present action of the Government in many respects a breach of faith towards those members who have opposed the granting of farther concessions to the syndicate. Apparently the Government have now granted the syndicate a full monopoly of the firewood traffic on the goldfields. The late Minister for Lands (Hon. C. Sommers) said, when my motion was being discussed three or four months ago, that the Government were then considering the advisability of allowing private enterprise to put down light tram lines to the Government railway for the supply of fuel, so that the mines at Kalgoorlie might be kept fully supplied.

HON. R. S. HAYNES: What is the difference between a tramway and a railway line?

HON. G. BELLINGHAM: There is a great difference. The then Minister for Lands said that the Government were prepared to allow private enterprise to step in and build feeders for fuel supply to the mines. Instead of carrying out that policy the Government, we now find, have granted a farther extension of the Kurrawang concession. I repeat, I am glad that Mr. Glowrey has refused to withdraw his motion; and I hope that the house will see its way, on a full consideration of the matter, to carry the

motion. The argument against the granting of farther concessions to the Kurrawang Company are now, I think, a great deal stronger than they were when I made my motion. I trust that if we go to a division Mr. Glowrey will be successful.

HON. T. F. O. BRIMAGE (South): I am fully in accord with what the Minister for Lands has said. Undoubtedly there is a great deal of misunderstanding in the minds of hon. members and the public with regard to the construction of wood tramways on the goldfields. Mr. Glowrey expressed himself as in favour of privately-owned railways. I am not in favour of privately-owned railways: indeed, I am strongly opposed to them; but these wood tramways are a different thing altogether.

HON. G. BELLINGHAM: Why give the one company a monopoly of the traffic?

HON. T. F. O. BRIMAGE: That, I want to point out, is exactly what we shall be doing, if we adopt the motion. At the present time we do not permit the construction of privately-owned wood tramways from the main line into the State forests, so that the Kurrawang Company are now enjoying a monopoly. The Minister has pointed out that the wood-carters along the Kalgoorlie-Southern Cross railway, now supplying fuel to the mines in Kalgoorlie and Coolgardie, were able about three months ago to cart 10 trucks a day with five or six horses: to-day the same quantity of 10 trucks requires about 50 horses to cart it to the railway line. The building of light tramways into the forests will enable the wood-cutters to obtain fuel close at hand, and they will fill their trucks with timber and take them to the main line. The trucks will be drawn by the Government engines wherever required. I cannot see that any objection should be raised to this for one moment. I cannot see why the Government who have all the information regarding the goldfields cannot from their office grant a concession to run these light timber lines from the main line into the timber belts; and it seems to me that Mr. Glowrey and Mr. Bellingham are endeavouring to give a monopoly to the Kurrawang syndicate. The Government should have the power to give such a right to these small timber merchants along the Southern Cross rail-

way to go into belts of timber five miles away. They are only asking to run a light line, so as to feed the main line. If we do not give such right, the Kurrawang syndicate will have a monopoly to supply the mines, and as soon as they have that up will go the price of timber, for there will be no other competition. I have had a deputation of wood-carters from along the Southern Cross railway to-day, asking to have the same right as the Kurrawang syndicate; that is, to run a light line of railway into the timber belts, six or seven miles from the main line. They are asking to run timber on Government trucks along the main railway, and they are not carrying passengers or goods. Moreover, the applicants to-day state, they are prepared to run this light railway from the main line into the timber country, so that they may be able to carry the timber to Kalgoorlie or wherever it may be. I trust Parliament will give the Government the right to grant these slight concessions. They are only temporary lines. I am opposed to permanent lines being constructed by any private company. But this is a matter where wood-carters are asking for a right to run lines into the timber belts which are too far off for the carting to be done by horses and wagons. Any member travelling to the goldfields at the present time will see that the fuel now is being carted from this side of Woolgangie, about 64 miles this side of Coolgardie. The price of fuel is about 24s. per cord, and the mines are against the high expense at the present time. If the wood-carters be granted light lines to cart the timber from these belts they will be able to supply timber at the same price as the Kurrawang syndicate; but, if this motion be passed to-day, the result will be that the Kurrawang syndicate will have the sole right to cart the timber through their timber belts, and the small men along the line from Coolgardie to Southern Cross will be stamped out. They cannot compete against the Kurrawang syndicate, whereas if the Government have a right to grant these small concessions, and timber belts are established along the line, there will be others besides the Kurrawang.

HON. R. S. HAYNES (Central): I fail to see very much point in the argument of the hon. member (Hon. T. F. Brimage).

The hon. member says he is opposed to permanent railways.

HON. T. F. BRIMAGE: These are not permanent railways.

HON. R. S. HAYNES: He says he is opposed to permanent railways being constructed by private persons. If the hon. member will explain the difference between permanent railways and temporary railways I shall be very glad.

HON. T. F. BRIMAGE: The words explain themselves.

HON. R. S. HAYNES: As the Minister for Lands pointed out, a syndicate like the Kurrawang syndicate gets a concession to lay down a tramway temporarily, and there the line remains until it suits the purpose of the syndicate to take it up.

HON. T. F. BRIMAGE: It is only temporary; they have pulled some of it up since.

HON. R. S. HAYNES: The Government for many years past have always conducted their negotiations and business in a slovenly, slipshod manner. No person who owned land privately would allow the Kurrawang syndicate to have a railway to run over his property without a properly drawn agreement, preserving rights. No such provision is made here. Permission is given to a company to lay down a line, and permission will be given to other companies to lay down a line, temporary, of course, in the first instance, but it will become permanent after it has been there many years; it will remain there as long as they like to let it, unless Parliament interferes. With reference to the other objection, that the mines required wood, undoubtedly they do, and every facility should be afforded to companies and private persons, if the Government will not undertake the work, to supply wood to the mines in every vicinity, and for that purpose a measure should be immediately introduced, as the Minister for Lands said, providing that certain conditions upon which private persons can undertake to construct these lines. No time ought to be lost at all until an Act is brought in, and the conditions are open to the world, so that everybody can see them. The Government have no right to favour the Kurrawang syndicate; they had no right to pat that syndicate or any

other syndicate on the shoulder and give them a right. If the Government introduce an Act under which conditions will be imposed upon a person now and in the future with regard to the construction of lines, the Kurrawang syndicate will not be bound by those conditions, but they will say there are no conditions attaching to them. Why should the Kurrawang syndicate be in a better position than any others? It is sufficient to show the absolute necessity of immediately introducing a measure providing for the construction of a railway. I agree with Mr. Stone when he says the object of this motion is that no concession shall be given for the construction of a railway. I am not going to call them tramways; this is a railway, and not a tramway. Inasmuch as this motion, if it were passed, might interfere with the electric tramways, I propose, and I hope hon. members will assent to it, that after the word "railways," in the second line, the following words be inserted:

Excepting for tramways for the running of electric passenger traffic carriages in or adjacent to proclaimed townsites.

Mr. Stone pointed out with reference to electric tramways that those concessions are granted under an Act of Parliament, and at first the consent of the local authority—that is the municipal council or the roads board—is obtained. Then a provisional order is obtained from the Minister of Railways, and then only is the matter brought before the House, and an Act of Parliament is passed, and Parliament has a perfect right to refuse any Act at all to grant a concession. Therefore, as far as the running of electric tramways under the Tramways Act is concerned, full provision is made for the running of such tramways. It is unnecessary to say the matter should receive legislative sanction or such special sanction, because the Act already provides for it. But, in reference to these ephemeral railways—the hon. member calls them temporary, and I call them ephemeral—it is absolutely necessary. I hope the House will pass a motion, and that the Government will at once cause to be introduced a Bill dealing with this question. I am sure we will all join in gladly welcoming such a measure, and in endeavouring to see that it was full and comprehensive.

HON. G. RANDELL (Metropolitan): I have no objection to the amendment suggested by Mr. Stone, but it would be undesirable to pass the motion in its present form. I quite agree with the position taken up by the Minister of Lands, and I think that if this House interferes in a matter of this kind, in regard to which members, except three or four, know very little, probably we shall be creating injury to some interest, and in my opinion this House should not pass a motion of this kind, stopping progress, as this is likely to do. I see no reason to doubt that if the matter be left in the hands of the Government they will do the best they can under the circumstances. I believe they are acquainted with a feeling that prevails, that if monopolies exist those monopolies should be done away with and every opportunity given to anyone who desires to do so to run these light lines of railway—temporary as Mr. Brimage describes them, and ephemeral as Mr. R. S. Haynes describes them; I do not know the difference between the two.

MR. R. S. HAYNES: An ephemeral line is unsubstantial.

HON. G. RANDELL: At any rate I think I clearly understood from what the Minister for Lands said that this monopoly is one that can be removed at once, that the matter is in the hands of the Government, and if they find it abused in any way, or that it is not in the interests of the general public, they can rescind the concession or whatever it may be termed, which has been granted.

HON. R. S. HAYNES: A most unsatisfactory state of affairs.

HON. G. RANDELL: As far as I can gather from the different debates in this House, it is desirable that this firewood should be supplied as cheaply as it can be, in the interests not only of the miners, but of the workers and the general public, and if we move in any direction which will prevent that, we shall be doing harm. The matter is eminently one for administration, and we may safely trust the matter in the hands of the Government, I do not care who they are, unless they have shown themselves to be utterly corrupt and unreliable. I cannot see that the present Government have done so yet, and I hope they will not do so; and I do not think any preceding Govern-

ment can be rightly charged with it; therefore I think that in a matter of this delicate nature, in which you do not know how it will affect the interests concerned, we shall be wise in leaving it in the hands of the Government until such time as Parliament has an opportunity of considering the whole question. We do not know when that opportunity will occur; but it is not likely to occur this session. Legislation is urgently required; but probably it cannot be passed through Parliament during the present session. I shall, therefore, ask hon. members to look at the question from the standpoint I view it from, and say that it is not in the interests of the country to pass this motion.

HON. J. D. CONNOLLY (North-East): Although I do not agree with the wording of the motion, I do largely agree with what has fallen from Mr. Stone. In my opinion, it is high time that this question of firewood tramways on the goldfields be settled once and for all. The motion, I take it, refers more particularly to tramways constructed or to be constructed on the goldfields. As Mr. R. S. Haynes remarked, there should be laid before Parliament a Bill specifying the conditions under which permission to construct firewood tramways will be given not only to the Kurrawang syndicate, but to the whole world. If the Minister for Lands had given an assurance that he would immediately bring in a Bill to settle the whole question, I should have felt inclined to vote against the motion. In the absence of that assurance, however, I think it but right and proper that the motion should be adopted, so as in a manner to force the hand of the Government, and compel them to bring in without delay a Bill dealing with this pressing subject. Then it will be open to anyone who wishes to do so to lay down tramways for the supply of firewood to the mines.

HON. C. E. DEMPSTER (East): I certainly feel disposed to support the amendment proposed by Mr. R. S. Haynes; because I do not consider it right that works of a public nature should be constructed without the prior approval of Parliament. We have in the past seen many instances of the disadvantages of such a system, and I trust that the House will affirm the principle

that the approval of Parliament must be sought in every case before a public work be undertaken. In the present case it appears that great harm may be caused to the mining industry by delay. If the Minister for Lands will undertake to bring in a Bill such as Mr. R. S. Haynes states is necessary, no harm will be done. I altogether disagree with the proposal to allow any Government to give permission at any time for the construction of a tramway—

HON. R. S. HAYNES: Without a properly drawn agreement.

HON. C. E. DEMPSTER: Yes. We know that the loose way in which agreements have been drawn hitherto has resulted in serious loss to the State; and we must do our best to avoid similar losses in the future. If the Minister for Lands will undertake to have a Bill brought in as soon as possible—

HON. F. M. STONE: What would he do in the meantime?

HON. C. E. DEMPSTER: There is not the slightest doubt in the minds of of those possessing a knowledge of the subject that the question of fuel supply is a most important one for the mines. The available supply is not large. Wherever wood tramways are constructed, the supply of fuel must very soon be exhausted and farther construction into other parts of the forests rendered necessary. I do not agree with many people on the subject of construction of railways by private enterprise. I have always been in favour of private enterprise in railway construction. The principle of State ownership is not, however, affected in this case, because the lines proposed to be constructed are light lines of a temporary nature, which would be of little or no use to the State after the supply of firewood, which was the reason of their construction, had been exhausted. It is not, therefore, desirable to place more impediments in the way of the construction of these lines than we can possibly help. I shall, therefore, support the amendment moved by Mr. R. S. Haynes.

HON. A. G. JENKINS (North-East): I do not see my way to support the motion, the adoption of which would result in the conferring of a practical monopoly on the Kurrawang Company, who have a concession at the present time.

HON. J. M. SPEED: But will they get another concession?

HON. A. G. JENKINS: I believe the Minister for Lands said there was a probability of the Kurrawang Company being granted permission to extend their line through a State forest. I fail to see why the Kurrawang Company alone should have this right. If the motion be passed, it would mean practically that all other wood contractors along the goldfields railway will be prevented from obtaining the same right.

HON. W. MALEY: Let the Government bring in a Bill at once.

HON. A. G. JENKINS: Probably, in view of the expression of opinion by the House, the Government will bring in a Bill. I, at any rate, am quite ready to entrust the welfare of the wood-cutting industry, and of the gold-mining industry as well, to the Minister for Lands; because I feel sure that anything he may do will be for the benefit of those industries. I shall, therefore, vote against the motion.

HON. E. McLARTY (South-West): I trust the House will not agree to the motion. While experiencing a certain degree of diffidence in opposing a proposal of this nature when brought forward by a goldfields member, I nevertheless consider the subject one which may safely be left in the hands of the Government. It is possible that the adoption of the motion may result in the restriction of the firewood traffic to such a degree that the working of the mines will be seriously hampered. So long as the permission to lay tramways for the purposes of wood supply be not granted to one company or syndicate alone—that is to say, so long as the Kurrawang Company be not granted a monopoly of the firewood trade—there can be no danger, so far as I see, in the system now obtaining. I repeat, the matter is one which may be safely left to the discretion of the Government, and the House would be going too far in adopting the motion.

HON. J. M. SPEED (Metropolitan-Suburban): I shall be glad to hear a definite statement from the Minister for Lands as to whether or not any farther extension of their concession has been granted or is to be granted to the Kurrawang Company. We know that only a few months ago the Kurrawang Company,

along with Mr. John Davies, were held up as the biggest rogues in the country; yet these are the people to whom the present Government are said to be extending farther privileges. Therefore I say the present Government are not to be trusted in matters of this kind.

Amendment put and passed.

HON. J. M. SPEED: I have asked the Minister for Lands for an assurance, which I have not received.

Motion, as amended, put, and a division taken with the following result:—

Ayes	10
Noes	12

Majority against ... 2

AYES.	NOES.
Hon. G. Bellingham	Hon. T. F. O. Brimage
Hon. H. Briggs	Hon. R. G. Burgess
Hon. J. D. Connolly	Hon. E. M. Clarke
Hon. C. E. Dempster	Hon. J. W. Hackett
Hon. J. T. Glowrey	Hon. A. Jameson
Hon. R. S. Haynes	Hon. A. G. Jenkins
Hon. A. B. Kidson	Hon. E. McLarty
Hon. W. Malet	Hon. C. A. Piesse
Hon. J. M. Speed	Hon. G. Randell
Hon. J. M. Drew (Teller).	Hon. J. E. Richardson
	Hon. F. M. Stone
	Hon. R. Laurie (Teller).

Question thus negatived.

HON. R. S. HAYNES: On a point of order, I ask the President's ruling whether hon. members must not remain seated during a division, to allow of their votes being recorded.

THE PRESIDENT: It is not necessary.

PUBLIC NOTARIES BILL.

Received from the Legislative Assembly, and, on motion by the MINISTER FOR LANDS, read a first time.

MOTION—FODDER PLANTS AND GRASSES, EXPERIMENTAL.

HON. C. A. PIESSE (South-East) moved:

That, in the opinion of this House, the experimental production of fodder plants and grasses, in areas of not less than 100 acres on second and third class land, should be encouraged by State assistance.

The desire he had was to see the second and third class lands utilised to their fullest extent. He noticed that the Agent General for New Zealand, speaking at a gathering in London, said that they had something like 11 million acres of grasses—English grasses he thought was the expression used—in New Zealand. It was not probable we should have anything like that extent of English grasses in this

country, but it was just possible we had room for 11 million acres and more of grasses which would be suitable for the soil, and that it would pay to plant. This matter had been somewhat starved in the past. He understood that the Agricultural Department never had funds to carry out experiments in this line. It was high time something should be done to see what could be effected with these lands, and that a little money should be spent in that direction. Of course the motion did not bind the House to any expenditure; in fact that could not be done. They asked the House to approve the principle, leaving it to the Government, who, he understood, were eager to utilise these lands, and to make the necessary experiments on the scale advocated. If we could make good use of these lands they would become a source of great wealth to the State, and the production of these grasses on our poorer lands would materially cheapen the price of meat. Experiments could be made very easily and cheaply.

Question put and passed.

RETURN—AGRICULTURAL AND PASTORAL PURSUITS, STATISTICAL.

HON. C. A. PIESSE (South-East) moved:

That a return be laid on the table, showing the number of persons engaged in—1, Agricultural pursuits; 2, Pastoral pursuits; 3, Agricultural and pastoral pursuits combined; 4, Percentage of population thus engaged, showing Nos. 1, 2, and 3 separate; 5, Comparative statement showing percentage of population engaged as above in the States of New South Wales, Victoria, and South Australia.

The return, would not, he trusted, involve any great outlay and it would be in the interests of those who were in touch with this kind of thing to give the information asked for. The proportion of population engaged in agriculture, in this State, was not, he believed, in any way in keeping with the proportion engaged in agriculture in the other States. If such proved to be the case stronger steps should be taken to settle people on the lands. We were told that the agriculturists were behind the time. Really, however, the few people who were at present on the land were doing wonders, and getting very little praise, and very little thanks for their trouble. They were living a hard

life. He trusted the Minister for Lands would not oppose the motion.

HON. G. RANDELL: Would the hon. member name a date up to which he wanted the return?

HON. C. A. PIESSE: Up to the end of the year, if possible.

HON. R. S. HAYNES (Central): Would the Minister for Lands say whether it was possible to give the information asked for. He did not know how the number of persons engaged in the pursuits mentioned could be ascertained.

HON. R. G. BURGESS: From the yearly returns the numbers could be got without any trouble at all.

HON. R. S. HAYNES: If the hon. member knew so much about it, one wondered he did not give his agricultural brother the information.

HON. R. G. BURGESS: The hon. member (R. S. Haynes) was an agricultural member.

HON. R. S. HAYNES: What was meant by a person engaged in agricultural pursuits? Did the hon. member mean a man who owned a farm, or a farm labourer. What did he mean by a pastoralist? Did he mean a person who had a run of his own, or a shearer? What did he mean by a man engaged in agricultural and pastoral pursuits combined? Did he mean a man who sheared at one season of the year and got rid of crops at another? Where was the Minister for Lands or the Government statistician to get the information? This was not a school where we taught people. If the information could be got out of a book, let it be so obtained; but to get officers to furnish a return would be putting them to too much trouble, and, moreover, the Government would be put to certain expense. What principle was to be adopted? Would the return include "jackaroos" and "Murrumbidgee whalers"? The return would be useless, and he hoped the motion would not be passed.

THE MINISTER FOR LANDS (Hon. A. Jameson): Inquiry showed this return involved a good deal of work. At the same time, of course, if the House desired the return, it would have to be prepared. There was great pressure of work in the Government offices at present, and a good deal of overtime had to be worked by many officers to cope with it. Perhaps

Mr. Piesse would see fit to bring the matter up during the next session.

HON. C. A. PIESSE: Paragraphs 4 and 5 of the motion might be expunged. The first three paragraphs, however, asked for information which, while it would be very useful, should be easily obtainable.

HON. J. W. HACKETT (South-West): The last census returns should contain a good deal of the information asked for by the motion. Perhaps the Minister would inform hon. members when the census returns would be available. Then, possibly, the necessity for moving for returns of the nature of this one would be obviated.

THE MINISTER FOR LANDS: The census return had been laid on the table today.

HON. C. A. PIESSE: If the census return contained the information asked for, the motion need not be pressed.

THE MINISTER FOR LANDS: The census returns of the 31st March, 1901, gave particulars of population and professions.

HON. R. G. BURGESS (East): The information asked for by Mr. Piesse should be easily obtained from the returns sent in by farmers and pastoralists every year, stating the number of their employees. Possibly a little trouble would be involved in getting out the information; but the Lands Department certainly had the machinery and also the figures at their command. If he had the time at his disposal he could himself extract the information from the statistics.

HON. C. A. PIESSE: By leave of the House he would amend his motion by striking out paragraphs 4 and 5. He moved accordingly.

Amendment put and passed.

HON. J. W. HACKETT: The hon. member should state as at what date he required the information.

HON. C. A. PIESSE: As at the end of the year 1901.

Question as amended put and passed.

CONTRACTORS AND WORKMEN'S LIEN BILL.

SELECT COMMITTEE'S REPORT.

HON. J. M. SPEED brought up the report of Select Committee on the Bill.

Report received, read, and ordered to be printed.

ADMINISTRATION (PROBATE) AMENDMENT BILL.

Read a third time, on the motion by the MINISTER FOR LANDS (Hon. A. Jameson), and transmitted to the Legislative Assembly.

DOG ACT AMENDMENT BILL.

THIRD READING (MOVED).

THE MINISTER FOR LANDS (Hon. A. Jameson) moved that the Bill be read a third time.

HON. R. G. BURGESS: The date fixed for the coming into operation of this Bill was the 1st January, 1902; but it could not now come into force until the 1st January, 1903.

THE MINISTER FOR LANDS: The necessary amendment in the date could be made by the Legislative Assembly.

HON. J. W. HACKETT: The Bill should certainly not be sent down from this House to another place with such a blunder on the face of it. We could recommit the Bill.

HON. G. RANDELL moved that the Bill be recommitted for the purpose of amending the date of its coming into operation. He suggested that the date should be altered from the 1st January to the 1st March.

HON. R. G. BURGESS: Mr. Randell's suggestion should not be adopted; because certain portions of the measure could not now come into operation until next year. The existing Act was being enforced every day. Certain provisions could not possibly be given effect to during the present year.

THE PRESIDENT: Had the Hon. J. W. Hackett seconded the motion that the Bill be recommitted?

HON. J. W. HACKETT: The motion for recommitment had not been seconded by him. He did not believe in the measure at all.

HON. R. G. BURGESS seconded the motion.

HON. G. RANDELL: Would it be necessary to amend the Bill in other respects?

HON. R. G. BURGESS: Very likely. Clause 6, he thought, would require amendment.

HON. J. W. HACKETT: The debate should be adjourned to allow of the Bill being examined for the purpose of ascer-

taining whether additional amendments were necessary. He moved accordingly.

HON. G. RANDELL: It would be well to adopt Mr. Hackett's suggestion.

Motion put and passed, and the debate adjourned.

BREAD BILL.

THE MINISTER FOR LANDS (Hon. A. Jameson) moved that the Bill be read a third time.

THE PRESIDENT: It would be necessary to alter the year to 1902.

HON. G. RANDELL moved that the debate be adjourned.

Motion put and passed, and the debate adjourned.

EXCESS BILL (1900-1).

Read a third time, and *passed*.

CARNARVON-BABBAGE ISLAND TRAMWAY BILL.

Read a third time, and *passed*.

FRIENDLY SOCIETIES ACT AMENDMENT BILL.

IN COMMITTEE.

Consideration resumed from 23rd October.

New Clause:

HON. J. M. SPEED rose to move that the following new clause be added to the Bill:

It shall be the duty of the Registrar of Friendly Societies, or some person authorised in writing by him, to see that the provisions of this Act are properly carried out, and such Registrar, or such person so authorised by him, shall have power to prosecute any persons guilty of any breach of this Act or of any regulations made under the provisions of this Act.

When the matter was last discussed, it was understood this clause was not inserted, but that the Minister for Lands would bring in a clause that would meet the difficulty. He wanted power given to some person to carry out the purposes of the Act.

THE CHAIRMAN: There was a postponed clause (Clause 6) which should be dealt with before this.

HON. J. M. SPEED: Clause 6 really hinged to some extent on this new clause. If the Minister was going to strike out Clause 6, well and good.

THE CHAIRMAN: It was only a matter of procedure, to deal with postponed clauses before new clauses.

THE MINISTER FOR LANDS said he had looked carefully into the matter with regard to Clause 6, and he thought there was a great deal of ground in what had been brought forward by Mr. Speed. One proclamation certainly covered the whole of the South-West District, and that being so it excluded in some measure the action of the Truck Act; therefore he was quite in accord with the hon. member that Clause 6 ought to be struck out.

HON. J. M. SPEED moved that Clause 6 be struck out.

Amendment put and passed.

HON. J. M. SPEED moved that the new clause already quoted be added to the Bill.

THE MINISTER FOR LANDS said he had no objection to the new clause.

Question put and passed, and the clause added to the Bill.

Preamble and title—agreed to.

Bill reported with amendment, and the report adopted.

TRADE UNIONS BILL.

IN COMMITTEE.

Consideration resumed from the 22nd October.

Clauses 4 to 30, inclusive—agreed to.

Clause 31—Application of Industrial Conciliation and Arbitration Act, 1901:

THE MINISTER FOR LANDS moved that the word "the" in line two be struck out, and "any" inserted in lieu.

HON. J. W. HACKETT: The Minister for Lands would perhaps adopt the suggestion that this clause be postponed. The language of the amendment would hardly secure what the hon. gentleman intended. The House might delay this measure until the name of a Bill, now being dealt with in another place, had been ascertained.

HON. J. M. SPEED: The same words were used in the Friendly Societies Act Amendment Bill, Sub-clause 6. If the drafting was wrong in the one case, it must be wrong in the other.

HON. J. W. HACKETT moved that the clause be postponed. The proposed wording was not sufficiently explicit. If the clause were postponed, the Minister

would have an opportunity of obtaining the advice of the Attorney General on it. Clause postponed.

Clauses 32 to 35, inclusive—agreed to.

On motion by the **MINISTER FOR LANDS**, progress reported and leave given to sit again.

At 6-22, the **PRESIDENT** left the Chair.

At 7-35, Chair resumed.

FOURTH JUDGE APPOINTMENT BILL. SECOND READING (MOVED).

THE MINISTER FOR LANDS (**HON. A. JAMESON**), in moving the second reading, said: I think it is not necessary for me to say very much. The Bill explains itself. It is a very short measure for the purpose of appointing a fourth Judge. This matter came before the House, and for various reasons—perhaps good reasons—was thrown out; but I understand that the demand is now great for an additional Judge. The work has very greatly increased, and particularly in regard to circuit work for the goldfields, and I am asked to put forward this Bill. There is really nothing to be said about it. The whole question has been very fully considered previously by the members of this House, and it has already gone through the Assembly. It now rests with the members of this House whether they will pass this Bill or not. I understand it is a very necessary Bill now, and that the necessity for it has become more apparent lately. Work has very greatly increased. There is an enormous amount of work in the Supreme Court, and it will be difficult to have a circuit fourth Judge unless this Bill is carried through. With these few words I leave the matter to the House, to consider carefully whether they will support this measure and pass the second reading of the Bill, so that we can appoint a fourth Judge.

HON. E. M. CLARKE: I second the motion.

HON. A. B. KIDSON (West): I intend to move an amendment to the effect that the Bill be read this day six months. My reason for doing so is that I consider the appointment of a fourth Judge not warranted by the present state of Supreme Court business. It may be that the question of the appointment of a fourth

Judge has been before members for a considerable time; but I have yet to learn that the second reading of a measure of this nature has been moved in this House, at all events during the present session. It is true a similar Bill was introduced into the House during the previous session, and was thrown out. I am surprised to find how little the Minister for Lands had to say in support of a measure such as this, which throws on the country a burden of £1,400 per annum for practically an unlimited period. It strikes me as strange that the Minister should have refrained from giving the House some good, sound, and definite reasons for the appointment of a fourth Judge. So far as my information and knowledge as a practitioner go, I am not led to the conclusion that the appointment of a fourth Judge is warranted at the present time.

HON. T. F. O. BRIMAGE: What about the goldfields?

HON. A. B. KIDSON: I shall deal with the goldfields later: at present I am dealing with the question of the advisability of the proposed appointment on general lines. The Minister has said it is impossible to assign a Judge to circuit court work unless a fourth Judge be appointed. I join issue on that point, because there is absolutely no reason why the Government should not bring in legislation providing that the present Judges should hold circuit courts at stated places and at stated times. I do not know whether the matter has been put before the Judges. In any case, the Government have the power to demand that the present Judges shall go on circuit. Moreover, from my knowledge of the Judges, I feel confident that if the Government approach them on the subject, the Judges would be found only too pleased to fall in with the wishes of the country. Anyhow, at the present time we have absolutely not a shred of evidence to show that it is necessary for us to make such an important and expensive appointment as this. Hon. members must not forget that once the Bill passes into law, it is passed into law for good and all—that once the fourth Judge is appointed we cannot get rid of him. Such being the case, it seems to me that the House would be acting very wrongly in passing the measure on the strength of

the very flimsy evidence urged in its support by the Minister for Lands. I shall ask hon. members to consider the matter carefully. For my part, I am satisfied that the Judges are not overworked at the present time, that they would be prepared to go on circuit if necessary, and that practically the whole of the Supreme Court work is up to date.

HON. T. F. O. BRIMAGE: The Judges have not gone on circuit in the past.

HON. A. B. KIDSON: An hon. member interjects that their honours the Judges have not gone on circuit in the past. Does the hon. member mean by that interjection to suggest that the appointment of a fourth Judge will overcome the difficulty? I for one do not think it will be found so, unless Parliament pass some farther enactment directing the Judges to go on circuit for the purpose of transacting legal business in the various parts of the State. I repeat, at the present time there is no warrant for the appointment of a fourth Judge, and such an appointment would be a wrong to the country. Hon. members must bear in mind that the cost of the appointment will not be limited to £1,400 per annum. Farther heavy expenses are contingent on the appointment. Therefore, in the absence of any evidence conclusively proving that the appointment of a fourth Judge is essential in the interests of the due despatch of the legal business of this State, I move as an amendment to the motion:

That the word "now" be struck out, and "this day six months" inserted in lieu.

HON. W. MALEY: I second the amendment.

HON. T. F. O. BRIMAGE (South): I trust the second reading of the Bill will be carried. Undoubtedly the goldfields population of Western Australia has in the past been subjected, and is now being subjected, to very heavy expense by reason of the want of a circuit Judge. The assertions which have fallen from Mr. Kidson I can only characterise as exhibiting towards the goldfields people a spirit of opposition which is not their just due. That spirit of opposition is no new feature in Fremantle members: I am quite accustomed to their opposition to any proposal which would be for the good of the goldfields. Anything tending to lessen the expense of law or arbitration

to the goldfields people is consistently opposed by the Fremantle members. I do hope, however, that hon. members generally will see their way to support the second reading, so that goldfields law cases may be tried cheaply by a Judge going on circuit. Mr. Kidson has stated that three Judges are able to do all the legal work of the State, including circuit court work. I agree with him *in toto*. [SEVERAL MEMBERS: Hear, hear.] I unreservedly admit that three Judges can do the work of this State; but I consider the present three Judges physically incapable of doing that work. I make the statement believing what I say to be the truth. Anyhow, the present three Judges have not hitherto shown themselves able to do the legal work of the State.

HON. A. B. KIDSON: They are up to date.

HON. T. F. O. BRIMAGE: They may be up to date, and I believe them to be the best lawyers in the country; but they have never visited the goldfields on circuit except on one occasion, to try one particular case at the request of a Perth lawyer. Apart from that occasion, no member of the Bench has visited the goldfields. The mining community have always been obliged to bring their cases to Perth for trial. Now the goldfields are faced with what may be considered a motion to the effect that a fourth Judge is not necessary. I hope to bring to bear arguments of sufficient strength to induce hon. members to pass the second reading of the Bill. I suggest that the proposed appointment be made on such terms that when the next Judge retires the vacant appointment will not be filled, thus leaving only three Judges on the Bench. (Some laughter.) The legal fraternity always laugh. I have not known them to do anything else unless paid for doing it.

HON. R. S. HAYNES: Oh, nonsense!

HON. A. B. KIDSON: We cannot help laughing.

HON. T. F. O. BRIMAGE: The most prominent of the legal laughers is Mr. R. S. Haynes, who laughs at all common sense. I hope members generally will, notwithstanding the laughter of the legal fraternity, give the goldfields the fourth Judge and circuit courts. As a goldfields business man, I am in a position to inform hon. members that cases tried in

the Supreme Court in Perth, in which I have been concerned, have occasionally cost me a good deal more money than they were worth to me. The goldfields people ask only what is fair. Circuit courts are held in the sister States. Mr. Kidson's statement that the present occupants of the judicial Bench can go on circuit is a mere subterfuge.

HON. A. B. KIDSON: You said yourself they could.

HON. T. F. O. BRIMAGE: They have not done so, except on one occasion.

HON. J. M. SPEED: The Judge who is now in England cannot go on circuit, anyhow.

HON. T. F. O. BRIMAGE: The members of our Supreme Court Bench, as at present constituted, are their honours Chief Justice Stone, Mr. Justice Hensman, and Mr. Justice Parker. Now, this is the position we find ourselves in to-day. His honour the Chief Justice has served the country faithfully and well in the past, and in my opinion he should not now be expected to go on circuit.

HON. R. S. HAYNES: The Chief Justice has gone to Geraldton twice, to my knowledge.

HON. T. F. O. BRIMAGE: I am quite prepared to accept that statement. The hon. member has been in the country for fifteen years, and has known the Chief Justice to go to Geraldton twice during that period. The goldfields people, however, desire that a Judge should go on circuit not twice in fifteen years, but regularly.

HON. A. B. KIDSON: Let us pass a law to that effect, then.

HON. T. F. O. BRIMAGE: What law?

HON. A. B. KIDSON: A law to that effect.

HON. T. F. O. BRIMAGE: We have too much law here already.

HON. R. S. HAYNES: Too much for you, I suppose.

HON. T. F. O. BRIMAGE: Such law as we have in Western Australia should be administered; and it is for the purpose of having the law administered that the goldfields ask for the appointment of a fourth Judge. I congratulate the Minister for Lands on having introduced this Bill. It has been passed by another place, and I hope this House will pass it. I stated, before I was interrupted by Mr. Kidson and Mr. R. S. Haynes, that we have at

the present time three Judges. His honour Chief Justice Stone is a gentleman who has served this country truly and well. Mr. Justice Hensman is an elderly gentleman, who cannot, after his long years of service, be expected to undergo the fatigues of rough travelling on the goldfields. (Some laughter.) It is all very well for the Hon. R. S. Haynes to laugh. He would laugh at anything. He would laugh at a monkey on a stick.

HON. R. S. HAYNES: You are not on a stick just now.

HON. T. F. O. BRIMAGE: I want Mr. Haynes to keep quiet. He is the jester of the House, and a very jolly fellow, and all that; but I want to talk common sense to-night.

HON. R. S. HAYNES: You had better begin again, then.

HON. T. F. O. BRIMAGE: As a goldfields member and as a citizen of Western Australia, I would not ask Mr. Justice Hensman to tour the back country. He also is a gentleman who has served his country truly and well for years; and he should not now be asked to tour the goldfields, either in the North or East.

HON. R. S. HAYNES: What about the West and the South?

HON. T. F. O. BRIMAGE: Goldfields journeys would be altogether too trying for a gentleman in Mr. Justice Hensman's state of health. With regard to Mr. Justice Parker, the last appointment to the judicial bench, what do we find? About three months after his appointment as a Supreme Court Judge, that gentleman asks for leave of absence on the ground of ill health. The leave of absence is granted him; and in the meantime the country suffers by reason of only two Judges being available.

HON. A. B. KIDSON: Mr. Justice Parker will be away only three months.

HON. T. F. O. BRIMAGE: I am not prepared to say that Mr. Justice Parker will be absent for only three months; and I doubt very much whether Mr. Kidson is in a position to make a definite pronouncement on the subject.

HON. A. B. KIDSON: Oh, yes; I am.

HON. T. F. O. BRIMAGE: I do not think the statement is correct. I doubt the hon. member's statement, because I do not think he is well informed. However, I think you will find that Mr. Justice Parker will be away longer than three

months. In the meantime there are all the law cases.

HON. R. S. HAYNES: How many?

[HON. J. M. SPEED interjected.]

HON. T. F. O. BRIMAGE: Do you hear the interjections of the lawyers? Their plea is to make Perth the centre of the legal fraternity.

HON. R. S. HAYNES: I thought it would come to personalities.

HON. T. F. O. BRIMAGE: It is the lawyers who are continually doing it—Mr. Kidson and Mr. Haynes: they do not want the Judges to go to the goldfields; they do not desire it one iota, and they want to keep all the business in Perth. But we who have to pay these hon. gentlemen and the legal fraternity want our cases to be fought on the goldfields.

MEMBER: What about the tinfields?

HON. T. F. O. BRIMAGE: If there is a case on the tinfields, we will have them on the tinfields too. I cannot impress on members too much the seriousness of this Bill as far as the goldfields are concerned. We have ever tried to give our greatest support to the capital city of Perth. We have ever been loyal to Perth and Fremantle. We have done our level best as far as helping you and your industries is concerned. This is very vital to my constituents, and I wish to make myself perfectly plain on the subject. We require the Judges on circuit, and we appeal to you to vote for the Fourth Judge Bill. I am desirous that a clause shall be inserted in the Bill providing that, when one of the four Judges who will be in existence if this Bill is passed retires, another Judge shall not be appointed, so that there will then be only three.

[HON. R. S. HAYNES interjected.]

HON. T. F. O. BRIMAGE: The hon member has so much to say that he cannot listen to anybody else's speech. With regard to this mumbling of Mr. Haynes, I can only say that Mr. Haynes has always taken a fiendish delight in doing his best to upset any young member in the Legislative Council engaged in making a statement to the House. When the hon. member has finished I will go on. I have no doubt he will do his best to keep a fourth Judge from being appointed. I know he will.

HON. J. M. SPEED: Why?

HON. T. F. O. BRIMAGE: Probably he will be disappointed in not being appointed himself. (General laughter.) I only want fair-play from the goldfields standpoint. Any members who have been visitors and residents on the goldfields know what law costs when they come to Perth, and if they do not I pray that they shall not have the experience.

HON. J. W. HACKETT: They are bad enough here.

HON. T. F. O. BRIMAGE: Yes; they are bad enough here. I have no doubt, too, that those gentlemen who are so good at interjecting when I am speaking have a very poor opinion of the legal fraternity on the goldfields; but we have good lawyers up there, and I am sure that the legal fraternity of the goldfields would compare favourably with those in Perth. The point at issue is that we want a fourth Judge on circuit. The statement by Mr. Kidson that three Judges can do the work is not enough for the Bill to-night.

HON. A. B. KIDSON: You said there were sufficient.

HON. T. F. O. BRIMAGE: That is not enough for the Bill. Mr. Justice Parker only visited the fields once, and that is the only time we have had a Judge on circuit; and with what joy the goldfields hailed his visit. Look at the papers at the time he visited the goldfields. They thought there would be a regular visit from the Judges, but such is not the case.

HON. A. B. KIDSON: How is a fourth Judge going to remedy that?

HON. T. F. O. BRIMAGE: Will you allow me to make my statement first, Mr. Kidson? I have no doubt you have a greater power of laying the case before this hon. House than I have, but I want to give you plain facts and plain truths from my constituents. This is a very anxious moment for them, and I do not want to be interrupted by you and Mr. Haynes in this matter. I take it, it is very bad taste on the part of the legal fraternity to interrupt a private member in the manner they have done.

HON. R. S. HAYNES: Why did you become personal?

HON. T. F. O. BRIMAGE: I did not become personal till you started it.

HON. R. S. HAYNES: I said nothing at all.

HON. T. F. O. BRIMAGE: You did. It is not personal with me: I am past personalities. I have a mind, like my body, fairly large, but the hon. member, Mr. Haynes, seems to be somewhat bent. I stated just now that when Mr. Justice Parker came to the goldfields he was hailed with joy by the Press and the public: they were glad to have a Judge to submit their difficulties to; and I assure you that, if this Fourth Judge Bill is thrown out to-night, there will be an outcry from many people who have been asking for a Judge for the goldfields for the last six years. Take the other States. It has been drummed into my head by the hon. member that in South Australia there are 380,000 people and they have but three Judges. Quite so; but they are three Judges who can attend to circuit courts by means of the railway, and they are able consequently to travel in comfort. In this country it is not so. We require a gentleman who is able to travel the rough tracts of the back blocks, where population is continually increasing. I think that some of the Judges who are in the State at the present time are not able to travel; and, as a citizen of this State, I am willing to keep them in the position they are in now, and retain them in Perth, for they have already done their duty as Judges and should not be asked to travel over the country. But in the appointing of a fourth Judge we should have a gentleman selected who is able to travel. I trust the Minister for Lands will see that the Cabinet will appoint such a gentleman. I have heard rumours that a certain member of the learned profession, a gentleman who has my greatest respect, is likely to be appointed. I do not intend to mention the name, because I take it as *infra dig.* or not right on my part to interfere with the doings of the Cabinet, but I hope the appointment of the fourth Judge will be given to a gentleman who is able to travel and to do his work in those distant parts where his work is required. The greatest appeal I make to members to-night is on behalf of some 40,000 people on the goldfields who require a Judge to travel amongst them and to decide their cases. I can only cite one case, I mean a case in which I won. It cost me £240 to pay my lawyers' fees and bring my witnesses to Perth, and £160 of that was in

travelling expenses and paying witnesses' fees in Perth. Surely the members who are not of the legal profession will not allow 40,000 people on these goldfields to be deprived of a Judge. I ask members to vote for the Fourth Judge Bill and allow those residing on the goldfields to have their cases settled there, and not be dragged down to Perth. There will no doubt be able replies to what I have said. I have to battle against the ablest or some of the abler members of the House, principally of the legal profession, and I trust private members will bear in mind that the Fourth Judge Bill can be so framed that after the retirement of one of the four Judges there will be only three. The matter can be arranged in that way. An amendment can be put into the Bill in Committee providing that there shall be no farther appointment after one of the Judges retires from the Bench. That is to say you will have four Judges including the one newly appointed presiding on the Bench, and if one retires there will be only three. It may be for a month, or it may be for four or five years, but as a citizen of the goldfields I am willing to advocate that, and I trust the idea will be supported. I can only say in conclusion that this matter is one of very deep concern to the goldfields, and I believe to such places as Albany, Bunbury, and Geraldton, and perhaps farther north even than that. To the goldfields it is a very serious matter. There were 14 cases at the last criminal sessions, and they were tried by Warden Finnerty. We had no Judge then. All we ask for is that a Judge shall go on circuit, and I will leave it to the good sense and good feeling of my country friends and the private members to pass this Bill, so that an appointment can be made and a Judge go on circuit through the goldfields. We have suffered long and deeply from this want. Circuit courts have been asked for by the goldfields Press, by the goldfields public, and by the goldfields bar. I therefore confidently ask hon. members to give the goldfields people a Judge, so that residents in outlying districts may be afforded an opportunity of having their cases tried at something like the same cost as residents of Perth and Fremantle.

HON. F. T. CROWDER (East): On the score of economy, I shall vote for Mr. Kidson's motion.

HON. J. M. SPEED: On the score of false economy.

HON. F. T. CROWDER: Not false economy; true economy. This Bill asks us to provide a salary of £1,400 for the appointment of a fourth Judge. Hon. members must bear in mind, however, that £1,400 per annum will not place a fourth Judge in the position we desire him to fill. Twice £1,400 will be needed; and this means that a capital of about £50,000 at 5 per cent. is needed to provide the money required for this appointment. There is no doubt whatever about that.

HON. T. F. O. BRIMAGE: Well, you take the money out of the goldfields.

HON. F. T. CROWDER: I was greatly surprised by Mr. Brimage's remark that the present three Judges are physically incapable of doing their work. All I can say is that if those gentleman are physically incapacitated, then the sooner they retire and take their pensions—

HON. T. F. O. BRIMAGE: I did not say that.

HON. F. T. CROWDER: And we appoint others in their place, the better.

HON. T. F. O. BRIMAGE (in explanation): I rise to a point of order. I did not say that the present occupants of the Supreme Court Bench were physically incapable of performing their duties.

HON. R. S. HAYNES: You do not know what you said.

HON. T. F. O. BRIMAGE: If I do not know what I said, the hon. member certainly cannot tell me.

THE PRESIDENT: The hon. member must make his explanation without engaging in discussion with another member.

HON. T. F. O. BRIMAGE: If Mr. R. S. Haynes were kept in order, I should be able to make my explanation. What I did say was that the present three Supreme Court Judges were physically incapable of travelling through the back country of this State. I meant to imply, for one thing, that the roads were too rough for the Judges.

HON. F. T. CROWDER: I made a note of the hon. member's statement at the time it was uttered; but of course I accept the explanation. It makes very little difference, however. If the present three Judges are physically incapable of

going on circuit, then the sooner they retire on their pensions and gentlemen physically capable of going on circuit are appointed, the better it will be for the State. In my mind there is no doubt whatever, and I do not think there is any doubt in the minds of the people as a whole, that three Judges are amply sufficient for the performance of the judicial duties of this country. I see no reason whatever why one of the three Judges should not go on circuit. I feel for the people on the goldfields, and I realise the absolute necessity, in fairness to goldfields centres and other centres, for the establishment of circuit courts.

[SEVERAL MEMBERS: Hear, hear.] At the same time I am convinced that the appointment of a fourth Judge is not necessary, I am perfectly willing to give my assistance and my vote towards providing the goldfields with a circuit Judge; but on the score of economy I am not prepared to earmark a capital of £50,000 for the purposes of the proposed appointment. When Mr. Brimage talks of being £200 out of pocket in connection with a case of his which was brought from the goldfields to Perth to be tried, and in which he succeeded, I can retort on him that I paid £350 in connection with a case which was tried in Perth recently, and which I won.

HON. T. F. O. BRIMAGE: I would not be surprised, whatever you had to pay.

HON. F. T. CROWDER: We all know that when we are fools enough to go to law, we must pay for our folly. Such arguments have no bearing on the question. We must remember that there is a tendency in this State to spend money needlessly. Members of the Legislative Council, in especial, must pay some regard to the finances of the future. I repeat, it is absolutely unnecessary to-day to earmark a capital of £50,000 for the purposes of the fourth judgeship.

MEMBER: Where is the necessity for earmarking £50,000?

HON. R. S. HAYNES (Central): I desire to ask the Minister for Lands whether our present Judges have ever been asked to go on circuit, and, if so, whether they have refused?

THE MINISTER FOR LANDS: I believe the Judges have not been asked to go on circuit. Their work has been so heavy

that they could not possibly have found time to go on circuit.

HON. J. M. SPEED: Some of them said they would not go on circuit.

HON. R. S. HAYNES: On a question like that now before the House, practitioners in the courts are able to form an opinion based on experience gained here and elsewhere. The appointment of a fourth Judge is a subject on which any man who has practised in our courts is peculiarly well qualified to speak. I have had considerable experience, not only in the courts here, but also in those of other States; and I intend to give the House the benefit of that experience. I do so, however, with some diffidence; because, whenever a question touching or affecting the legal profession arises in this House, there are not wanting hon. members who, though perhaps thoughtlessly yet with a great degree of regularity, seek to fasten on the legal members the charge of having spoken in their own interests. This charge against the legal members of speaking from interested motives practically amounts to a charge of prostituting the oaths they have taken to discharge their duties, as members of the Legislative Council, faithfully and well. I regret this is so. When other hon. members speak on matters affecting the interests of the class to which they belong, the legal members do not seek to impute motives of self-interest. I do not think any legal member of the House makes a point, in such circumstances, of accusing other members of speaking in their own interests. Mr. Brimage, in the course of a somewhat humorous though jumbled speech, made certain accusations against me. I trust that when the hon. member sees his statements in cold print, he will take an early opportunity of withdrawing some of them. He appeared to be fretful over my being amused at certain of his remarks. I was not the only member who was amused; and my amusement showed, at any rate, that I was not angry. The hon. member should not let his temper run away with his discretion.

HON. T. F. O. BRIMAGE: I was serious enough.

HON. R. S. HAYNES: The hon. member should not allow his usually good judgment to be warped. I repeat, it is with some degree of diffidence that I

express my opinion on this Bill. If legal members refrain from giving their opinions on legal questions, they are charged with neglecting their duty; whilst if they do their duty by stating their opinions, insinuations are not wanting that the legal members act from interested motives. I deplore this circumstance; and I do hope that in time hon. members who adopt such tactics will be weeded out by their constituents. I hope so for the benefit of the House. I trust the time will come when members will have no charges to make against one another. Surely we, as men of the world, can meet and discuss matters without indulging in imputations of dishonourable motives. If a member holds an opinion and expresses it, perhaps somewhat strongly, we should at all events give him credit for honesty of intention.

HON. T. F. O. BRIMAGE: But you do not give a man a chance at all.

HON. R. S. HAYNES: My objection to the present Bill is based on the experience I have gained, and also on certain information which I have taken the trouble to obtain. The population of this State is somewhat under 200,000 souls. We have three Judges. Now, let us contrast the conditions obtaining here with those obtaining in the neighbouring States. I shall first cite, as an illustration, South Australia. The population of South Australia is between 340,000 and 350,000; and the legal business of South Australia is very much greater than that of Western Australia. I may even go so far as to say that in the city of Adelaide alone there are more lawyers than in the whole of this State. South Australia, as I say, has three Supreme Court Judges, and no District or County Court Judges. The three Judges now on the Supreme Court Bench have performed the legal work of South Australia for many years. It may be urged that South Australia has the benefit of the services of three healthy Judges. One member of the Bench of that State, however, is understood to be in very indifferent health. Therefore, from that aspect, South Australia has really only two Judges. It may be urged that the South Australian Judges are young men; but that is not so: they have been longer on the Bench than any of our Judges. The illustration

I have cited needs no elaboration by argument. If South Australia, with a population of 350,000 souls, and with a larger volume of legal business than ours, finds three Judges sufficient for its work, what call is there for a State like this, with a population of 200,000 and a smaller volume of business, to appoint a fourth Judge? If I allowed the matter to rest with that illustration, it might possibly be urged that I had chosen an isolated instance. Therefore, I will take New South Wales. When I first entered on the practice of the law the population of New South Wales totalled between 600,000 and 700,000 souls, and railway communication did not extend farther than about 110 miles inland. At that time New South Wales had only four Judges for 600,000 people. The Judges travelled as far as Bourke, a distance of 600 miles, performing 110 miles of the journey by train and the rest by six days' coaching.

HON. J. M. SPEED: What about the District Court Judges?

HON. R. S. HAYNES: New South Wales then had three District Court Judges—one in the North, one in the West, and one in the South.

HON. J. M. SPEED: That makes seven Judges.

HON. R. S. HAYNES: But the four Supreme Court Judges did the whole of the Supreme Court work. The District Court Judges I shall deal with presently. The Supreme Court Judges travelled as far as Glen Innes in the north. By shallow river steamers they travelled to Grafton and Albury, and even as far as Hay and Wentworth.

HON. T. F. O. BRIMAGE: Were they ever in Sydney, then?

HON. R. S. HAYNES: Those four Judges did the whole of the Supreme Court work for about 600,000 people. Sydney, it must be borne in mind, has always been a large shipping centre—the terminal port of call for all shipping companies trading to Australia. Hence its volume of legal business, even at that time, much larger than it is here at the present day. The fact that New South Wales then had three District Court Judges has been referred to. Against this, I point out that we have here seven or eight resident magistrates. The District Court Judges in New South

Wales had jurisdiction up to £200, whilst the resident magistrates here have jurisdiction up to £100. The jurisdiction of the police magistrate in New South Wales was at that time only up to £10. The three District Court Judges in New South Wales were then called "Chairmen of Courts of Quarter Sessions," and they filled in fact the positions here filled by resident magistrates at quarter sessions. So that there is nothing in the contention as to the three District Court Judges. I have heard cases tried by our resident magistrates—of course not capital cases—and I have known the law to be as well administered by our resident magistrates as by District Court Judges in New South Wales, and sometimes better. Before Queensland was separated from New South Wales, the Judges travelled as far north as Rockhampton.

MEMBER: What was the population of Queensland 36 years ago?

HON. R. S. HAYNES: It does not matter whether I am talking of 36 years ago or 300 years ago, provided I state the population; but it is probable the population of New South Wales and Queensland combined was then three or four times greater than that of Western Australia at the present day. It is too long ago for me to speak of the volume of business. It is sufficient for me to say that such was the state of things in New South Wales, and that state of things exists at the present day in South Australia. I have given two illustrations, and I say these illustrations show that at all events three Judges are sufficient to administer the law in the Supreme Court of a State such as Western Australia. On that point it does not appear to me that so far there has been any difference of opinion in this Chamber; but one member seemed to say that the three Judges we have here were unfit to discharge their duties by reason, perhaps, of infirmities, age, or what not.

HON. T. F. O. BRIMAGE: Do you refer to me?

HON. R. S. HAYNES: One member said they were unfit to discharge their duties by going on circuit. Therefore they are unfit to discharge their duties. I have had an opportunity of seeing these Judges almost daily for many years, and I join issue with the hon. member. The Judges of the Supreme Court have never

been asked to go on circuit; consequently they have never refused to do so; and it is no argument to say that as they have not gone on circuit, not having been asked, they will not go on circuit when they are asked. I have been told they are not unwilling. The Judges have not been asked by the Minister for Lands whether they have reported to the Government that the work is too great for them and that they want extra assistance. I should think that unless the Government said the three Judges at the present time were overworked, and that they asked for some assistance, the House ought to be slow in passing a Bill to appoint a fourth Judge. I have not heard that any of the Judges have stated that they were overworked or required a fourth Judge. I am not speaking without having made due and proper inquiry. The Minister for Lands informed us that there was so much work to be done that the Judges could not go on circuit. I quite agree with him. In the early part of this year, and all last year, and the year before for the matter of that, two learned Judges upon the bench were unable to go on circuit. The present Chief Justice did, as a matter of fact, when asked, attend at Geraldton on two occasions, and so far as I know those are the only two cases in regard to which he was asked to do so. In one instance the parties went to the trouble of bringing their case down to Perth for the purpose of having it tried in Perth, and the Chief Justice sat in Perth and heard it. The Judge said he would like to go himself and see where the injury occurred, and without any request he did so.

HON. J. M. SPEED: And there was the expense of the witnesses.

HON. R. S. HAYNES: Why blame the Judge when the parties never asked him to go out?

HON. T. F. O. BRIMAGE: I am not blaming this Judge at all.

HON. R. S. HAYNES: I will deal with the matters *seriatim*. I have pointed out that the Judges have never been asked. Up to five or six months ago, when Mr. Justice Parker was appointed, undoubtedly two Judges were called upon to do the whole of the work of the State. I think it only right to say that the late Chief Justice did not discharge his duties.

HON. J. M. SPEED: He is away now.

HON. T. F. O. BRIMAGE: Yes; talking behind his back.

HON. R. S. HAYNES: I think the hon. gentleman knows me. I am not in the habit of going behind a person's back and saying what I would not say to his face. I think my record will show that I never flinched from telling the Chief Justice when he did not do his duty. The late Chief Justice did not discharge the duties of Judge, because he was discharging those of Administrator for, I think, 18 months. I speak subject to correction. He discharged the duties of Administrator for that time, and owing to ill-health he was unable to sit upon the bench. When he did sit upon the bench he was in a weak state of health, and we all knew it. The result was this, and this is how the trouble arose, and this is what caused the block in the whole of the business in the Supreme Court. A case would be tried before a Judge or a Judge and jury; the unsuccessful party would wish to appeal; he would give notice of appeal, and it would be thrown back to the two Judges, one of whom had tried the case, because the Chief Justice who did not try the case would not sit or did not sit or attend at all. It is sufficient to say he did not sit. Supposing Mr. Justice Hensman gave a decision, what was the good of appealing from Mr. Justice Hensman to Mr. Justice Pennefather? You could not expect Mr. Justice Hensman to change his opinion. You wanted to go before two other Judges for a decision. Unless the third Judge sat, the appeal would be called on and be adjourned and adjourned. I have seen appeals on my table waiting six or seven months for a decision.

HON. R. G. BURGESS: Showing the necessity for a fourth Judge.

HON. R. S. HAYNES: Showing the necessity for a third Judge; not a fourth. The whole of the business had become so congested that cases lasted sometimes on appeal as long as 12 months for the purpose of getting three Judges. Since Mr. Justice Parker was appointed, the Full Court has disposed of all the appeals that had collected. Since these three Judges have sat they have cleaned up the whole of the business, and they are now up to date in their appeals. Some remark was made that December cases had not been heard. I am not prepared

to say that is so, or it is not so. Some December cases were taken, but I am not sure whether all were. The reason December cases were not taken was that in a number of instances the parties wanted the case tried before three Judges, and not before two only. Three Judges sat something like a fortnight hearing all appeals, some of which had been in the list for nine months. They were determined to settle appeals, and they have absolutely decided the whole of those appeals. The only arrears up to the present time are some remanets from the December sittings, and, if you go to any court in the world, you will find remanets from the December sittings going over to the next year. I think, however, I have pointed out that three Judges can easily do the work, and I understand one of the Judges at least has expressed himself in these very same words. Where then is the necessity for appointing a fourth Judge? Surely the House will pause before members commit themselves to an appointment which, if made, will be made for life. Mr. Brimage referred to some amendment which he would like to make, that a fourth Judge should become third Judge when one of the other Judges retired. Supposing the fourth Judge were the first person to become disabled, what then? Would you appoint another fourth Judge? A nice kind of way of appointing one to the judicial bench. He would be there on sufferance. As soon as number one retired, would there be a fresh appointment?

HON. T. F. O. BRIMAGE: You could come before Parliament again.

HON. R. S. HAYNES: I say we have not for the last four years had three Judges fully discharging their duties. Only for the last three or four months have we had three Judges performing their duties, and they have not only done their work in the meantime, but have dealt with the accumulation for the last 12 months or two years. Why not wait till we see whether these Judges are able to discharge their duties, and go upon circuit; and if the Judges are asked by the Attorney General to go upon circuit, and they decline and say the work is too great for them, then by all means come to the House and the House will appoint a fourth Judge. But I

assert the Judges will not say so. Members think that if a fourth Judge be appointed he will be a Judge to go on circuit. I read the Bill, and see nothing about that. It is for the appointment of a Judge of the Supreme Court. There is reference to a fourth Judge, but not a word about his going on circuit, and the same difficulty would arise when he was appointed. Would he be a travelling journeyman Judge?

HON. T. F. O. BRIMAGE: Yes; that is right.

HON. R. S. HAYNES: If that be the appellation to give him, I do not think he would be of much use, or much respected by his brother Judges. The great point is that each Judge is equal. The duties of each Judge should be discharged alike. I never heard of a man being a journeyman Judge.

HON. J. M. SPEED: Is a man who is going to be the worker among them to be less than the others?

HON. R. S. HAYNES: "Worker" again. Cannot you keep that for the Trades and Labour Council? There should be not only one worker, but three workers. There seems to be a misunderstanding, a false impression, in the minds of members of the House which I want now to eradicate once and for all. It is said: "Let us have this fourth Judge, because he will be a circuit Judge." Some three years ago a Circuit Courts Bill was introduced into this House. Without that Bill the Judges could not go on circuit, there being no provision for holding a circuit court. That measure passed this House, and provision was made for the Attorney General, or I think it would be the Chief Justice with the approval of the Attorney General, to authorise the opening of courts in certain towns—I think they were only Coolgardie, Kalgoorlie, Geraldton, and probably Albany. If the Attorney General had asked the Chief Justice to make that proclamation—without looking at the Act I do not know whether the Attorney General can do it or the Chief Justice—and that had been done, one of the Judges could have gone on circuit. I personally have never had the slightest difficulty in getting a Judge to go into the country, if he was asked, to try a case. I remember asking one Judge if he would be prepared to take a case at

Kalgoorlie. "Certainly," he said; "take out a form of summons as in the other case." I took out a form of summons, and the learned Judge would have tried the case if it had not been settled. In the absence of a proclamation, the Judges were willing to go on circuit. The Judges never refused, and until the hon. member will cite a case where a Judge has refused to go on circuit, it will, I think, be idle to say they are incompetent to discharge their duties, or that they will not discharge them.

HON. T. F. O. BRIMAGE: No one said that.

HON. R. S. HAYNES: There are certain ways of saying it. An insinuation was cast upon them that they had neglected their duties—I will say that.

HON. T. F. O. BRIMAGE: No member said that.

HON. R. S. HAYNES: I say that any person making such a charge is speaking without justification. The Judges, I am sure, are quite prepared to go on circuit. At any rate the Minister for Lands is not in a position to inform the House that they have been asked to go on circuit and have refused. I maintain they are prepared to go.

MEMBERS: They have been prepared for a long time.

HON. R. S. HAYNES: The Judges are prepared to go on circuit, and therefore I say that this Bill amounts to a proposal to saddle the country needlessly with a charge of £1,400 per annum. But, as Mr. Crowder has pointed out, the expense will not be covered by £1,400. An extra staff will be required, the Judge's travelling allowance will have to be met, and extra accommodation will have to be paid for. From my knowledge of the expense involved, I am prepared to say that the total will be something like £2,000 per annum. It seems to me that the Judges are now very poorly paid. It would be very much better to increase the salaries of the present Judges. They have not asked for an increase in their salaries, however. In the absence of any proof of the necessity for the appointment of a fourth Judge, I trust the House will support the amendment. There is very good reason for doing so, moreover, in view of the strong probability that we shall meet again in June or July. If on our

reassembling it should be found that the Attorney General has asked the present Judges to go on circuit and that the Judges have said they cannot go, then the Bill can be reintroduced and I shall be the first to support it. I know very well, however, that the Supreme Court Judges will say they can undertake circuit work. Supposing the Attorney General asked the Judges, "Can you go on circuit and attend to the business of the courts in Perth as well?" and the Judges replied in the affirmative, would there be any justification whatever for passing this Bill? The Judges have not been asked the question; and I state here now that I have every reason to believe the Judges are prepared to go on circuit. Since they have not been asked, there is no reason for passing the Bill. I hope I have put my view of the case temperately and fairly before the House. Whatever the decision may be, it will not affect me in any way. I know a suggestion has been made that Perth lawyers want to keep the business of the courts in Perth as much as possible. I assure hon. members that I have more work than I can do: perhaps it would be of advantage to me to be relieved of some of my business. Farther, I find, and my fellow practitioners find, that when cases of importance are to be tried in the country, the almost invariable practice is to brief counsel in Perth. The result is that we Perth lawyers, instead of receiving small fees to plead here, are paid large fees to plead on the goldfields. The goldfields solicitors, whom I greatly admire, mark briefs in the most becoming manner. I am certain no member of the legal profession in Perth would refuse to go to the goldfields professionally. On that score, therefore, I hope hon. members will acquit me of any desire to maintain the interests of my profession at the expense of the people on the goldfields. I assure hon. members that nothing is farther from my mind. My experience and my judgment lead me to the conclusion that the appointment of a fourth Judge is not necessary. I sympathise to the full with the people on the goldfields, and especially with the mining companies. The companies in particular have my deepest sympathy for the manner in which they have been—I will not say "rooked,"

because that is too strong a word, but dealt with by Perth juries. The fault for the present unsatisfactory state of affairs lies not with the Judges, but with the solicitors, who for some reason—perhaps because they have not been fully seised of the nature of their opportunities—have failed to take time by the forelock and ask Judges to try certain cases. Had they asked the Judges to do so, their requests would have been granted. I hope the House will support me and my friend Mr. Kidson.

HON. J. M. SPEED (Metropolitan-Suburban): We have heard a great deal from Mr. R. S. Haynes on the subject of this Bill; but he has given us very little reason for rejecting the measure, except his own personal opinion that a fourth Judge should not be appointed. So far as the hon. member's statements with regard to South Australia are concerned, he has made statements that will fit his case, instead of giving us the facts as they really are. South Australia has a large number of magistrates with a jurisdiction up to £500.

HON. R. S. HAYNES: There is not a large number. There is only one.

HON. J. M. SPEED: At any rate, the South Australian magistrates have a much larger jurisdiction than our magistrates.

HON. R. S. HAYNES: There is only one. Be sure of your facts.

HON. J. M. SPEED: I repeat, the South Australian magistrates have a much larger jurisdiction than our magistrates.

HON. A. B. KIDSON: What jurisdiction have the South Australian magistrates?

HON. J. M. SPEED: I am quite satisfied to put my word against that of Mr. Kidson.

HON. A. B. KIDSON: You have no word to put against mine. We do not know what your word on the subject is.

HON. J. M. SPEED: The position in South Australia is very different from that here. The majority of the South Australian population is engaged in pastoral and farming pursuits; and we know a population of that description is not greatly addicted to litigation. Our population, on the other hand, appears to indulge in litigation as in a drunken spree. Our people go to court one day, and go on a drunken spree the next.

HON. A. B. KIDSON: Are you speaking of your constituency?

HON. J. M. SPEED: I am speaking of the community generally. Look how the hon. member has swollen since he came to this State.

HON. A. B. KIDSON: I am all right, and you are all right.

HON. J. M. SPEED: I feel all right. Turning to the question of appeals, I have to point out the frequency with which it happens that a litigant who appeals from one Judge, on going before two other Judges cannot get a decision because those two Judges differ in opinion. The litigant is, in consequence, left without any decision at all. If the appeal were referred to a court of three Judges who had not heard the case before, there would be a verdict one way or the other. This in itself constitutes a fair argument for the appointment of a fourth Judge. On the question of expense, it is to be observed that our Supreme Court Judges are not paid much more than the County Court Judges of New South Wales and Victoria. I would rather see even five or six Judges appointed here at the present salaries, than see cases dragged from one court to another as they are at present—cases which should have been heard by one Judge being taken before another, because the parties would not have been satisfied with the decision of the first Judge. An unfortunate feature is that our people at present are not satisfied that justice is certain in this State. It occasionally happens that they have to go before a Judge whom they do not want to go before.

MEMBER: They do not get justice; but they do get law.

HON. J. M. SPEED: My hon. friend no doubt knows all about what he gets, and it seems to be very satisfying to him. What I desire to get, however, is justice without fear or favour. Up to the present, it has been almost impossible to get that. Such, at any rate, is my experience as a practitioner in the courts of this State. I hope the second reading of this measure will be agreed to. So far, the Minister for Lands has said very little in favour of the measure. I trust, however, that he is sincere in the matter. A few months ago we heard from the hon. gentleman, then sitting as a private

member, all sorts of arguments against the appointment of a fourth Judge. I trust that whatever opinions he expresses in this Chamber are sincere.

HON. R. S. HAYNES: That is not fair.

HON. J. M. SPEED: I do not care whether it is fair or not.

HON. R. S. HAYNES: He is the Government here now, and your remarks are ungenerous.

HON. J. M. SPEED: I repeat, I hope the Minister is sincere in his approval of the Bill and in his support of it. We know that some months ago he opposed the appointment of a fourth Judge. I trust that the change in his opinions is a sincere one, and that his advocacy of the measure is genuine.

HON. R. S. HAYNES: You never change your opinions, I suppose?

HON. J. M. SPEED: The most important feature in connection with the proposed appointment is its absolute necessity for the purpose of establishing circuit courts. Such, at any rate, is my opinion.

HON. A. B. KIDSON: Give us your reasons.

HON. J. M. SPEED: My most important reason is that I value a man's person above his property.

HON. A. B. KIDSON: Mere claptrap.

HON. J. M. SPEED: It may be claptrap to the hon. member; but it is not claptrap to me. I consider that when a man is being tried on a charge which may lead to his imprisonment, the functionary presiding over the trial should be one in whom the country can have the fullest confidence. It has been a standing disgrace to this country that men have been sentenced to years of imprisonment by persons wholly incompetent for the positions they held.

MEMBER: Name them.

HON. J. M. SPEED: It is unnecessary to name them. Instances are well known in which men have been so imprisoned, and in which, moreover, the feeling of the community has been strongly roused by the sentences inflicted. For that reason, if for no other, the second reading of this Bill should be supported.

HON. G. BELLINGHAM (South): Mr. R. S. Haynes has stated that the Judges have never been asked to go on circuit. I have attended several deputations to various Premiers during the last two or three years, asking that the Judges

might be desired to go on circuit to the goldfields. The subject has been strongly taken up by the goldfields Press, and by the metropolitan newspapers as well. The outcome of these efforts was the introduction, during last session, of a Bill providing for the appointment of a fourth Judge, who was to be practically a circuit Judge. That Bill, as all hon. members know, was thrown out. It is now practically reintroduced. Circumstances have not altered; the work of the courts has increased rather than decreased; and there is stronger reason now for passing the Bill than there was before. Mr. R. S. Haynes has remarked that the Judges have not been asked to go on circuit.

HON. R. S. HAYNES: The Minister for Lands said it.

HON. G. BELLINGHAM: Mr. Haynes also remarked that the Judges would go on circuit if their salaries were increased.

HON. R. S. HAYNES (in explanation): The hon. member is in error. I made no such statement. At the commencement of my remarks I asked the Minister for Lands whether the Judges had been asked to go on circuit, and he replied in the negative.

HON. G. BELLINGHAM: I accept the hon. member's explanation. Nevertheless, I certainly understood him to say that the Judges would be only too willing to go on circuit if their salaries were increased.

HON. R. S. HAYNES: I said nothing of the sort. I merely remarked that I believed the Judges were willing to go on circuit.

HON. G. BELLINGHAM: I certainly understood Mr. Haynes to say that the Judges would be willing to go on circuit if their salaries were increased.

HON. R. S. HAYNES (in explanation): If the hon. member understood me to say that, I made a misstatement. I certainly did not intend to convey anything of the sort. Perhaps the one statement followed the other, and the hon. member understood me as making the second in consequence of the first.

HON. G. BELLINGHAM: The limit for local court cases throughout this State is £100. I have known of many cases on the goldfields and in the country where the amount of the claim has been reduced so as to bring the case within the jurisdiction of the Local Court, and

thereby escape the heavy expense attached to a trial in the Supreme Court in Perth. When a country case is tried in Perth, the witnesses in the first place have to travel a considerable distance, say from the farthest parts of the Murchison fields, or from the North-West, or Albany, or the eastern goldfields, to attend the Supreme Court. This involves heavy fees to witnesses, besides the great cost of their keep while in Perth. Such expense should not be cast on people seeking justice. I take it the Government have introduced this Fourth Judge Bill so that suitors in outlying centres may be relieved of unnecessary charges. Mr. Justice Parker, who was appointed during the last three or four months, has now gone to England on sick leave; and it is hard to say whether, when he comes back, he will be able to take up his duties or whether he will retire on a pension. In this Bill there is only one clause, that being for the appropriation of a sum of £1,400 for a Judge's salary. I understand the Judges are entitled to a pension on their retirement. I should like that clause to be amended so as to give the Judge a larger salary, say £2,000 a year and no pension, because when a gentleman takes up the position of a Judge he has to sacrifice a certain amount of fees and that sort of thing, and the salary is not too large. I look on pensions in this country as very detrimental. They are a heavy burden that we have to bear. I shall certainly support this Bill, and I should also like to see the amendment I have advocated.

HON. A. G. JENKINS (North-East): I also intend to give the Bill my support. For reasons last session which appeared to me good, I opposed the Bill at that time. My views are, and always have been, that a fourth Judge is absolutely necessary in this State. As one who resided for many years on the goldfields and practised his profession there, I can say that great inconvenience and expense have been unnecessarily caused to litigants by cases having to come so frequently to Perth, witnesses having to travel to Perth and remain there. There is no doubt the work in the past has been considerably in arrear, and now it will be absolutely necessary to have a Judge for our new Conciliation Bill, which will probably be in force within the next two

or three months. The work under it is likely to be very heavy. In New Zealand the procedure at any rate has proved to be very large and cumbersome, and no doubt it will be the same here. At any rate it will occupy a good deal of the time of the Judges of our court; and a matter that came under my personal observation only a few months ago made me see more than ever the absolute necessity that there should be some gentlemen who would be independent and qualified to hear cases. On the goldfields a case was brought before a resident magistrate, who gave his decision on it. Afterwards there was an appeal lodged to the general sessions. The same gentleman who heard the case was the one to hear it at the general sessions. One would naturally expect that under such circumstances some provision would be made for another resident magistrate to hear these cases, so that this appeal from Cæsar to Cæsar should be done away with; but there was no machinery. The Crown law authorities were approached, and they said they considered it would be to some extent a slur on the magistrate for any other magistrate to hear the case. Such a state of things is, to my mind, highly improper, and if the Fourth Judge Bill does away with that sort of thing, it will have a good effect. I think also the fact that it will give three independent Judges to sit in the Full Court will also be good, because three gentlemen looking at a case from fresh light will naturally give a better decision to most minds than one gentleman who has heard the case and had all the facts put before him. The goldfields have been crying out for many years for a fourth Judge to go on circuit. Whether the Judges have been asked to do so or not, I cannot say.

HON. R. S. HAYNES: It is stated they have not.

HON. A. G. JENKINS: On the only occasion I remember on which a Judge went, the Judge was most warmly welcomed, and I know the Press and public expressed themselves most favourably upon the matter. It was hoped that it would long continue. The fact of a fourth Judge being appointed will without doubt give us a Judge to go on circuit, and will I am sure be of immense benefit to the goldfields and the rest of

the population in the outskirts of Western Australia.

HON. J. D. CONNOLLY (North-East): It is with great pleasure indeed I rise to support the second reading of this Bill, and I must certainly heartily congratulate the Government on bringing in this very necessary measure. I think there is very little to be said on the matter after the arguments we have heard from Mr. Jenkins. I venture to say there is no member in the House more competent to speak on this question than that hon. member, who has to my knowledge practised on the goldfields for the last nine years, and who is quite alive to the hardships we have endured. A great deal has been said about the Supreme Court work, but until the speech of the last speaker very little or nothing was said about the criminal work. Mr. Jenkins pointed out the ridiculous position that such towns or districts as Coolgardie, Kalgoorlie, Geraldton, and Albany are in at the present time. You have now in those places a resident magistrate, and fortunately in most cases they have been exceptionally good men. A person comes before such a man, and this official, who is sitting in the capacity of a magistrate, commits that person for trial. Then very often the magistrate sits as a grand juror and files bills. Then he sits again as Judge.

HON. R. S. HAYNES: That is not so.

HON. J. D. CONNOLLY: That is so. I admit that in a good many instances the resident magistrate—I speak more particularly of the resident magistrate at Kalgoorlie—has avoided sitting in the court of first instance; but he is not always able to do that, because it is not always easy to get a justice, and therefore he must do police court work and very often commit men for trial. Mr. Haynes said there was no necessity for four Judges, and then he went on to say how useless it was to appeal, because one Judge was very often acting as Administrator, and frequently one of the Judges before whom an appeal came was a Judge who tried the case before. Referring again to the criminal cases, we have been told, more particularly by Mr. Haynes, that there is no back circuit work in the Supreme Court at the present time.

HON. R. S. HAYNES: Appeal work, I said.

HON. J. D. CONNOLLY: Granted, for the sake of argument, that there is not. If there is not, that has been the experience of only the past month, or less. What has been the experience of the past six or seven years? It has been that you have had to wait two or three months for a case to be tried, and then you have brought your witnesses down here and have had to wait weeks before the case came on. But apart from that there is nothing at all said about the criminal cases. I think that at the criminal session at Kalgoorlie, it took rather more than three weeks to go through the list. I have seen as many as 18 cases on the list. Taking the time of the sessions at Albany, Coolgardie, Kalgoorlie, and Geraldton at a total of six weeks, and taking the time for travelling at another three weeks, there is a total of over two months in the quarter, so that the circuit work would practically absorb the whole of the time of the fourth Judge. Another amusing argument to my mind that Mr. Haynes referred to, and which was also touched upon by Mr. Crowder, was that this Bill should be opposed on the score of economy. He says the country cannot afford to pay £1,400 a year, and then he goes on to say the salary of the present Judges should be increased. That is his way of economising. I certainly agree with Mr. Bellingham. The salary seems to me to be very small, but it is not a matter to deal with now. Then, again, Mr. Haynes, dealing with the subject of population, took the population of South Australia and told us that in South Australia there are only three Judges. I understand there is in South Australia a Commissioner who does really the same work as a Judge.

HON. R. S. HAYNES: No. A Commissioner in insolvency.

HON. J. D. CONNOLLY: He does a lot more work than the Registrar here. As Mr. Speed remarked, it is not fair to deal with the question on a population basis at all. You may have a country only one-fourth or one-tenth the size of Western Australia and yet have a larger population. In South Australia the population is largely made up of farmers and agriculturists, who are generally

law-abiding people, who do not go in so much for litigation.

HON. R. S. HAYNES: What about the goldfields people?

HON. J. D. CONNOLLY: You know what the goldfields people are: you get at their pockets.

HON. R. S. HAYNES: I have attended many criminals: I do not remember meeting you.

HON. J. D. CONNOLLY: I do not think there is any need for hon. members to be impudent.

HON. R. S. HAYNES: Is the hon. member right in attributing personal remarks to me? I only retaliate. I know who will get the worst of it. The hon. member blackguarded me.

HON. J. D. CONNOLLY: I was going on to say that the goldfields population was largely made up of people who, unfortunately for themselves and luckily for the lawyers, are very fond of litigation; therefore, I do not think that the argument on the basis of population is at all a sound one. Apart from the criminal cases, take the state of affairs at present. If you have a paltry debt of over £100, you must come to Perth to get the case tried. In my own experience I once had the case of a debt of about £150, and it paid me a great deal better to forego £50 and receive £90 or £100 from the Local Court than to bring the case to Perth. That is the experience of someone every day.

HON. A. B. KIDSON: It is absolutely incorrect.

HON. J. D. CONNOLLY: What is incorrect?

HON. A. B. KIDSON: Absolutely incorrect that it is cheaper.

HON. J. D. CONNOLLY: I am quite satisfied.

HON. A. B. KIDSON: You may be. So am I.

HON. J. D. CONNOLLY: It is not only the eastern goldfields that this appointment of Judges will affect, but there are other parts of the country. There are Geraldton and Albany, and it is just as expensive for those people, although the population is not so large, to have to come to Perth.

HON. W. MALEY (South-East): I felt it my duty to second Mr. Kidson's amendment, in order to promote discussion. It appears to me that this

measure for the appointment of a fourth Judge simply represents another effort to appoint some gentleman—a gentleman's name was mentioned on a previous occasion—who has already come under the eye of the Government. I opposed a similar measure to this, not because I was against circuit courts, which I have always favoured, but because the feeling of the House was that we ought to know who was to be appointed to the position. If that view held good on the previous occasion, it certainly holds good to-day. What was desirable and requisite before should be requisite and desirable now. I am surprised that all the speakers who have preceded me have refrained from making any reference to what I may term the personal aspect of the case. Assuredly I have no personal animosity against the gentleman named on a previous occasion; but certain representations on the part of the legal fraternity, being brought to the attention of this House, were given effect to. I consider that we did our duty in throwing out the measure, which I am pleased to think I opposed. Now, I would like to be informed to-night of the name of the gentleman whom it is intended to appoint to the fourth judgeship. Reference has been made to the physical incapacity of the Judges now on the Bench; and therefore there is even stronger reason than the mere gratification of a natural curiosity for letting us know the name of the gentleman to be appointed. Reference has been made to the South Australian Judges. As a South Australian, I know Chief Justice Way, and by repute I know the other two Judges, who are old politicians. When I was a boy, Chief Justice Way was pointed out to me in the street as "the gentleman who has just been made Chief Justice." He was then a young man. It is now over 30 years since his appointment to the Chief Justiceship; so that it is evident he must have been a young man of good physique.

HON. G. RANDELL: But not of very large proportions.

HON. W. MALEY: He was of robust health, as is proved by the fact that he retains his position to-day. The appointment of a young man, therefore, has its advantages. I may mention that the appointment was the subject of much criticism at the time it was made, mainly on the score of the gentleman's youth.

Turning to the appointment now proposed, I consider it would be well to appoint a young man to an onerous position such as that of circuit Judge. It has been argued that our courts do not afford sufficient business for four Judges; but the fact remains that difficulty has been experienced by the present three Judges in getting through the cause lists. The establishment of circuit courts, though it will necessitate some travelling on the part of the Judges, of course will not cause an increase in the volume of business. While that is an argument against the appointment of a fourth Judge, I consider that the complaints in regard to the administration of justice which are being heard in the country, on the goldfields, on the tinfields, in Albany, and other centres, are such as to render it imperative that either a fourth Judge should be appointed immediately, or that one of the other Judges should be delegated to perform circuit court work. The country people are not litigious: there is more of the litigious spirit on the goldfields than in the country districts, in my opinion. The bulk of the business done by our people, however, naturally leads to a good deal of litigation. Where many contracts are made, there will be many differences of opinion; and where there are differences of opinion, there will be litigation, quite irrespective of the character of the people. I certainly favour the appointment of a fourth Judge, and shall therefore support the second reading of this Bill.

On motion by Hon. J. M. DREW, debate adjourned.

MOTION—PASTORAL AND AGRICULTURAL INDUSTRIES, TO LEGISLATE.

Debate resumed from the 15th October, 1901, on the motion by Hon. W. Maley, "That a select committee be appointed to inquire into the pastoral and agricultural industries, with a view to drafting legislation to deal with the waste lands of the Crown."

THE MINISTER FOR LANDS (Hon. A. Jameson): The Minister for Lands who is mentioned on the Notice Paper as having moved the adjournment of the debate on this motion in October last, is my friend the late Minister, Hon. C. Sommers. I have not followed the matter

up; but I trust that Mr. Maley will see his way to withdraw the motion, since the matter to which it relates is one which would be more fittingly dealt with by legislation originating in the other Chamber. Hon. members in another place would be inclined, I think, to oppose a measure of the kind foreshadowed by the motion, if sent to them from us. I accordingly suggest that the motion be withdrawn, although I entertain no particular objection to its being proceeded with.

HON. R. S. HAYNES (Central): I see no harm in the motion, since it would be open to the other House to approve or to reject a resolution sent down for its concurrence. I know there exists in the Legislative Assembly a feeling that land legislation should originate here, and social legislation there. If the Minister for Lands does not object to the motion, it may as well be adopted, though not much good can result, seeing how far the session is advanced. At any rate, no expense will be entailed by the adoption of the motion.

HON. G. RANDELL (Metropolitan): Considering the state of public business, and in view of the fact that the Minister for Lands has not found an opportunity of looking into the matter and is therefore not prepared either to combat or to approve the mover's arguments, I think the motion should be postponed or withdrawn. We have a good deal of business on hand, and shall have more shortly, and therefore it would be as well to leave the subject of this motion until next session. A select committee would require a considerable amount of time to look into the question from all points of view so thoroughly as to enable it to frame a report which would be helpful to the House. It is not apparent from the wording of the motion that, if adopted, it is to be sent to the other branch of the Legislature for its concurrence. The object is, apparently, to appoint a select committee from members of this House only. Even if a resolution of the nature proposed were sent to another place for concurrence, it would not be likely, at this stage of the session, to receive any consideration. In the circumstances, Mr. Maley will, perhaps, consent either to the withdrawal of the motion or to the adjournment of the debate for, say, a week.

HON. W. MALEY (in reply as mover): Knowing what a weary time hon. members have had during this session, I had intended to ask leave to withdraw this motion, which cannot, in the present state of public business, receive the attention it deserves. I did not see my way, however, to ask leave to withdraw the motion on my own initiative. I am glad the opinions expressed by hon. members coincide with my own views. I ask leave to withdraw the motion.

Motion by leave withdrawn.

ADJOURNMENT.

The House adjourned at 9.25 o'clock, until the next day.

Legislative Assembly.

Tuesday, 21st January, 1902.

Papers Presented—Question: Pastoral Lands (Kimberley) not Occupied, to Reserve—Question: Sunday Labour on Mines Act, Administration—Question: Resident Medical Officer, Menzies—Question: Solicitors conducting Prosecutions at Boulder—Question: Gwambygne Estate Selection, York—Question: Immigration Restriction Act, Erasion—Motion: Surrender of Gold-mining Leases, East Coolgardie—Roman Catholic Church Lands Act Amendment Bill (Private), third reading—Public Notaries Bill, third reading—Roads and Streets Closure Bill, third reading—Permanent Reserves Act Amendment Bill, third reading—Industrial Conciliation and Arbitration Bill, in Committee (resumed), Clause 107 to end, reported—Annual Estimates, in Committee of Supply (resumed), Colonial Secretary's Department, Printing to Observatory votes, progress—Administration (probate) Bill, first reading—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the MINISTER FOR PUBLIC WORKS (Hon. C. H. Rason): Proposals from Messrs. Couston, Finlayson, and Porritt, for completion of the main pipe line and caulking of joints in connection with the Coolgardie Goldfields Water Supply.

By the COLONIAL SECRETARY (Hon. F. Illingworth): 1, Return show-