

# DISTILLATION ACT AMENDMENT BILL.

Received from the Legislative Council, and read a first time.

## ADJOURNMENT.

The House adjourned at two minutes to 9 o'clock p.m.

## Legislative Council,

Monday, 9th October, 1893.

Elementary Education Act Amendment Bill: third reading—Chinese Immigration Act Amendment Bill: recomittal; third reading—Public Health Act, 1886, Further Amendment Bill: second reading; committee—Electoral Act, 1893: first reading—Homesteads Bill: recomittal—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 8 o'clock p.m.

## PRAYERS.

### ELEMENTARY EDUCATION ACT AMENDMENT BILL.

#### THIRD READING.

The Bill was read a third time, and passed.

### CHINESE IMMIGRATION ACT AMENDMENT BILL.

#### RECOMMITTAL.

This Bill, on the motion of the Hon. G. W. LEAKE, was recommitted for the purpose of substituting "250" for "500" in the third line of Section 8 of the principal Act.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The number of Chinese allowed to come by any ship has been one for every 500 tons burthen, and by the amendment of the hon. member it is proposed to double that number. Even under the present law Chinese have come here in large numbers. At the present time we have about 1,400 of them here, which is a very considerable number in proportion

to the adult male population of the colony. I do not suppose anything I can say will alter the views of hon. members; but I shall feel bound to divide the committee on the amendment.

The committee divided.

Ayes ...	...	...	5
Noes ...	...	...	5

<b>AYES.</b>	<b>NOES.</b>
The Hon. J. G. H. Amherst	The Hon. G. Glyde
The Hon. H. Anstey	The Hon. J. W. Hackett
The Hon. E. Hamersley	The Hon. R. W. Hardey
The Hon. J. Morrison	The Hon. G. Randell
The Hon. G. W. Leake	The Hon. S. H. Parker
(Teller).	(Teller).

THE CHAIRMAN (Hon. Sir G. Shenton): There being an equal division, I shall give my vote with the Noes.

Amendment negatived. Bill reported.

#### THIRD READING.

The Bill was then read a third time, and passed.

### PUBLIC HEALTH ACT, 1886, FURTHER AMENDMENT BILL.

#### SECOND READING.

THE HON. G. RANDELL: In moving the second reading of this Bill, I desire to say a few words on the matters contained in it. The principal Act, as it is termed in this Bill, is very voluminous, and at the time it was passed it was thought that it provided for everything; but it appears that in the working of it some difficulties have arisen, and it is now found that it cannot be carried into effective operation without the few additions which are set out in the Bill now before the House. By Clause 2 additional powers are given to the Local Boards of Health to make by-laws, principally for the purpose of enabling what is known as the double-pan system to be brought into vogue. Clause 26 of the principal Act renders the sanction of the Central Board necessary before any by-laws can be given effect to, and therefore, although the powers of Local Boards are enlarged they are still amenable to the Central Board. I think the double-pan system will work well and be sufficient for the requirements of most of our towns for some time to come. From the knowledge I have of the resources of the colony, and knowing, as I do, the many demands there are for the expenditure of loan moneys, it is scarcely likely that the deep drainage system will be introduced in anything

like the near future; and I do not know that, after all, it would be a wise plan to carry the refuse into the sea. Although complaints have from time to time been made in the newspapers as to the working of the principal Act, I believe that generally it has given satisfaction. As far as my own premises are concerned, the work has been done well and without any disadvantage to myself, and my experience is also that of a large number of people in Perth. This Bill was introduced in another place by a gentleman who has made the subject a study, and who is able to speak with authority upon it. We may take it, therefore, that he has considered well the points where the present Act fails, and has provided against them in this Bill. Clause 4 is an important one, providing as it does that no person shall remove nightsoil unless he shall first have obtained a license from the Local Board. At present, I believe, it is the practice in some cases to bury the nightsoil on what is now vacant ground; but there will probably be a time when this land will be built on, and future inhabitants will consequently suffer much from the present practice. By Clause 7 it is provided that the Local Boards may supply receptacles and make them uniform throughout the towns. The object of this is so that they shall be interchangeable, and thus they will prove a very great convenience in carrying out the Act. I do not think I need detain the House. The subject, however, is an important one, and I think the Local Boards should be given full powers to enable them to carry out the work entrusted to them. I beg to move the second reading of the Bill.

THE HON. J. W. HACKETT: It will be within the recollection of the House that a Bill—I will not say on the same lines—but on a somewhat similar subject, was brought before us last session, and by a large majority was remitted to the waste-paper basket. The draftsman of this Bill has evidently profited by the past, and has been exceedingly cautious in avoiding some of the objections that were found to exist in the former Bill, and has endeavoured to introduce provisions which will act less injuriously and prove less hostile to the liberty of the subject. Nevertheless, this Bill, even as it is, will require serious consideration. I am hopeful that, in its main

features, this measure will be allowed to pass, that is that the clause relating to the double-pan system will be adopted, and also those for carrying into effect the wishes of the local boards relating to the keeping of swine in the towns. Still I trust, that before the whole of Section 2 is passed, the members of this House will give their careful consideration to it, for it re-introduces, almost without alteration, one of the most objectionable features of the last Bill, one which led to its condign dismissal. Most of the provisions of the clause, however, must prove of advantage to the city. Still, if I thought that the passing of this Bill would ultimately lead to the postponement of a deep drainage system, I should do all in my power to prevent it passing. The deep drainage system is universally recognised—and I say it without qualification—as not only the best, but the only true sanitary way of disposing of the liquid refuse of great cities. There is no other course which is recommended on the same authority, and which gives the same satisfaction to the inhabitants of cities as the one I have mentioned. In Melbourne, where they have ample funds at command and the highest sanitary skill available, no other system—although such will cost many millions of money—will suffice. It is said that the system of carrying the refuse into the sea by deep drainage is objectionable both on account of the waste of fertilising matter and the danger to the inhabitants along the sea coast, but hon. members would be surprised to learn how very little fertilising matter the sewage contains.

THE HON. G. RANDELL: There is a great difference of opinion on that subject.

THE HON. J. W. HACKETT: I am speaking from the latest information on the point. When I was in Sydney, I visited the sewage works. I was with several of the engineers engaged in the construction and superintendence of them, and I put a number of questions to them. They said that no city could consider itself perfect, from a sanitary point of view, without a deep drainage system. They dispose of their refuse in two ways. Part of it goes to a sandy place, where is established a sewage farm, and part of it goes into the sea; and I may say that where it does enter the sea there are suburbs more or less fashionable, and

there is the full sweep of the Pacific every day. They have watched the result there for many years and have found no annoyance and apparently no drifting in on to the beach at Bondi. An ounce of fact like this is worth a bushel of theory. The sewage from the Western suburbs is carried to Botany Bay, where there is a sewage farm, over which the matter, in a highly diluted form, is spread; yet, if you penetrate three feet below the surface, you find the water perfectly innocuous. I was invited to try an experiment. At the farm there was a drain pipe let in only  $1\frac{1}{2}$  feet from the surface, and some of the water was drawn up, and I was invited to taste it. I held my nose and made a wry face, and drank some of it. It was odourless, colourless, and tasteless. I was told that if the water were taken from a further depth of  $1\frac{1}{2}$  feet no conceivable harm could happen to anyone drinking it. I hope within a few years to see a system like this established here, for it is less expensive to work, and more thorough in its effect than any other system. Even the double-pan system, which it is proposed to adopt, is a most disgusting, most filthy, and unhealthy mode of dealing with sewage refuse compared with the deep drainage system. If I thought, therefore, that this or any other Bill was in the least likely to postpone, even for a year, the introduction of the greater and better system, I would do my best to prevent its becoming law. Let me draw the committee's attention to sub-section 5 of Clause 2. It says the board shall have the power to make by-laws for determining how waste waters from dwellings or other premises shall be treated and disposed of—whether by drains, by absolute removal at specified times, or by filtering in approved tanks, and for the proper removal of the retained matter and disposal of the filtrate, and for renewing the filtered beds. This was one of the blots which led us to throw out the Bill of last session. I would ask my hon. friend Mr. Randell to give us a precedent for placing such powers in the hands of a board. At whose cost is all this to be done? Under this sub-section the board may order and compel any person to cart his bath water away twice a day, or may order it to be filtered in approved tanks. Why, the Water-

works Company have no filter beds, and yet every householder, under this Bill, may be compelled to provide them. This would mean a cost of £100 a year at least to the citizen, and even more, if he were disposed to be cleanly and take a bath frequently. I shall certainly move the striking out of this sub-section. As to the rest of the sub-sections, I believe they are intended to give effect to the double-pan system, which may meet our requirements for the present; but the sooner steps are taken to abolish it for something else the better.

THE HON. G. RANDELL: I do not wish to occupy the time of the House at any length, but the hon. member has evidently referred to me as the introducer of the Bill, and I must say that I am not. I simply moved the second reading, and in doing so I confined myself to matter that was within the four corners of the Bill. The hon. member refers to bath water, but it may not be all bath water. One of the great difficulties is how to dispose of the slops. In some parts of the city we know that the emptying of slops in the yards is a greater source of danger than allowing them to go into the old cesspits. I have read a great deal on the subject of sanitation, and I have come across reports entirely condemnatory of deep drainage systems, especially where the matter ran into rivers. In one case one district threatened another district with law proceedings for sending night-soil down the river which ran through their territory. With reference to the disposal of the refuse on sewage farms, there is a capital instance near London, between Tottenham and Enfield, where there are immense pits for treating it. I have walked through it and have found nothing offensive. In China the treatment of nightsoil is an important industry, which shows that there are properties contained in it which must be advantageous to the growth of vegetable matter.

THE HON. J. W. HACKETT: The Enfield system is a deep drainage one.

THE HON. G. RANDELL: The hon. member will observe that I have said nothing against the deep drainage system. I admit that this Bill proposes to give large powers; but there is a great deal to be said in favour of them. At the present time slops are emptied at the back doors,

and there is evidently no power existing to prevent it.

Question put and passed.

#### IN COMMITTEE.

Clause 1.—Passed.

Clause 2.—“Power to make by-laws:”

THE HON. J. G. H. AMHERST: I think six months' notice should be given to cleanse and fill up existing cesspools. One month is too short a time. I move to strike out “one” and insert “six.”

THE COLONIAL SECRETARY (Hon. S. H. Parker): Cesspools are very objectionable, and the sooner they are got rid of the better. To make the necessary notice six months means only to prolong the nuisance.

THE HON. G. RANDELL: This is the law at the present moment; but there is a difficulty in carrying it out. If a nuisance exists, one month is quite long enough to have it about.

Amendment put and negatived.

THE HON. J. W. HACKETT: I move that sub-section 5 be struck out. I may say my hon. friend's defence of it has made me still more hostile to it. It will operate very harshly on poor people, who will never be able to afford the cost of removing their slops in the way proposed. My hon. friend asks how they are to be disposed of. In Melbourne they are allowed to run away through the streets, and the system has not been attended by any harmful results. There is no city so badly scavenged, for the money we pay, as Perth. The Inspector to the Local Board holds several other offices, and does not give all his time to the work. And even if we had a competent man, who devoted all his time to the work, I believe it would be found that three or four more scavengers were required. If slops containing excrementitious matter are thrown into the yards, the Inspector should stop it, and he should be made to do his work; but if they are to be filtered, the operation should be performed, not at the expense of the individual, but at the cost of the city. There is really only one way of getting rid of the slops at a minimum cost and in an effective manner, and that is by the introduction of a system of deep drainage, which will be found to involve a far less cost than the present most disgusting mode of ridding us of human garbage.

THE HON. G. W. LEAKE: The hon. member seems to forget that the soil of Sydney and Melbourne is different from the soil of Perth.

THE HON. J. W. HACKETT: Sydney is sand upon rock.

THE HON. G. W. LEAKE: Melbourne is volcanic, but Perth is one mere mass of spungy sand.

THE HON. H. ANSTEY: Healthy sewage is an unhealthy if an unpleasant drink. There was a fountain in the old country which was celebrated for its beautiful and sparkling water, which was found to be greatly due to the sewage with which it was impregnated, and it was only after disease broke out that the sewage matter was distinctly traced. When the Hon. Mr. Hackett had the pleasure of drinking—

THE HON. J. W. HACKETT: Not the pleasure, the duty.

THE HON. H. ANSTEY: At the time he drank the Sydney sewage water, it is possible it had no taste and nothing injurious in it, but it must have been at a time when there was no disease prevalent, or he would have found the effects of it. The germs of disease have been known to go through immense beds. In Germany a spring went right through a mountain, and it was found to have conveyed disease from one side to the other. Therefore my hon. friend is quite justified in saying that a deep drainage system is the one panacea for getting rid of disease caused through sewage matter, and it behoves us to be careful how we apply any other system.

Question—That the sub-section be struck out—put and passed.

THE HON. R. W. HARDEY: I am glad to see something being done to keep swine out of the city, but there is another evil which seems to have been missed, and that is the constant slaughtering of animals in town. In nearly every butcher's yard slaughtering is going on. I do not know whether it is illegal; if it is, the practice should be stopped.

THE HON. G. RANDELL: By the 88th section of the principal Act, butchers are allowed to slaughter on obtaining the written permission of the Mayor, or the Chairman of the Municipality.

Clause, as amended, put and passed.

Clause 3.—“Local Board may make orders.”

THE COLONIAL SECRETARY (Hon. S. H. Parker): It strikes me that the meaning of this clause is somewhat doubtful. Does it mean that the Local Board of Perth may make its rules apply at Guildford or York? I think it must have been intended that where the by-laws were not applicable to the whole Local Board district, they might apply them to the outside portion of their own district.

THE HON. G. RANDELL: It struck me in the same way, but I take it that this is intended more especially to apply to areas surrounding the source of water supplies to cities. That may have been the object of the draftsman of the Bill, but I may say I am not prepared to suggest any alteration.

THE HON. J. MORRISON: Something of this sort was attempted in the Bill which was before us last session, and which appears to be merely a side wind to give the Perth Local Board control over the waterworks area. I think time should be given us to think over this matter. I therefore move that we report progress.

THE HON. J. W. HACKETT: I think it better to strike out the clause, and then re-commit.

THE CHAIRMAN (Hon. Sir G. Shenton): We can postpone it.

Question—That progress be reported—put and negatived.

THE HON. J. W. HACKETT: I move that the clause be struck out.

Question put and passed.

Clause 4.—“License to remove night-soil.”

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am not going to make any objection to this clause, although it may work badly. Under it no man can employ his own servant to empty a bucket. I have employed my own servant to do the necessary arrangements for my dry-earth closets, and have found it to work admirably, because I have had them cleaned every morning. The stuff has been mixed with the house refuse, and there has never been the slightest odour arising from it. When I was unable to get a man servant I employed the night-men. They came twice a week, but they never cleaned the buckets, and eventually I was obliged to go back to my own plan.

I shall not oppose the clause, although it seems to me that it will cause great inconvenience to many persons, and will increase the insanitary condition of many closets.

THE HON. G. RANDELL: It seems to be necessary that the Local Board should have the entire control. To strike out the clause would allow indiscriminate burying.

Question—That the clause stand part of the Bill—put and negatived.

Clause struck out.

Clause 5.—“Termination of license.”

Question—That the clause stand part of the Bill—put and negatived.

Clause struck out.

Clause 6.—“Exclusive licenses.”

THE HON. J. W. HACKETT: What does “exclusive” mean.

THE HON. G. RANDELL: That the board may enter into a contract with one person.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I think the difficulty, which evidently exists here, might be got over by an interpretation clause.

THE HON. G. RANDELL: The interpretation is contained in the clause itself. The object is that some person shall tender, and the Board may accept the offer.

THE HON. J. W. HACKETT: For what?

THE HON. G. RANDELL: For the removal of garbage.

THE HON. J. W. HACKETT: It does not say so.

THE HON. G. RANDELL: Clauses 4 and 5 having been struck out, there may now be some ambiguity.

THE HON. J. W. HACKETT: It certainly does not say what the man is to be licensed to do.

The committee divided.

Ayes	...	...	...	5
Noes	...	...	...	5

AYES.  
The Hon. G. Glyde  
The Hon. J. W. Hackett  
The Hon. E. W. Hardy  
The Hon. S. H. Parker  
The Hon. G. Randell  
(Teller).

NOES.  
The Hon. J. G. H. Amherst  
The Hon. H. Anstey  
The Hon. E. Hamersley  
The Hon. G. W. Leake  
The Hon. J. Morrison  
(Teller).

There being an equality of votes, the Chairman gave his casting vote with the Ayes.

Question—That the clause stand part of the Bill—put and passed.

Clause 7 agreed to.

Clause 8.—“Provisions of this Act to prevail:”

THE HON. J. MORRISON: I think it is dreadful for the provisions of the principal Act to be overridden by a small clause of this Bill. I move that it be struck out.

THE HON. J. W. HACKETT: What are the exemptions referred to?

THE COLONIAL SECRETARY (Hon. S. H. Parker): The 96th section of the principal Act reads:—“The local board may in their discretion provide, in proper and convenient situations, boxes or other conveniences for the temporary deposit and collection of dust, ashes, and rubbish, and also fit buildings and places for the deposit of the sewage, soil, dung, filth, ashes, dust, and rubbish collected by or by the permission of such board; and all sewage, soil, dung, filth, ashes, dust, and rubbish so collected by or by the permission of the said local board, or in any convenience provided as aforesaid, shall be vested in and may be sold or otherwise disposed of by such board, and the proceeds of such sale shall be carried to account of the moneys applicable to the purposes of this Act. And the local board of health may themselves undertake or contract with any person for the proper cleansing of streets, the removal of house refuse from any premises, the cleansing of cesspools, earth closets, privies, or ashpits, either for the whole or any part of their district; and all matters thus collected by the local board of health or their contractor may be sold or otherwise disposed of, and any profit thus made by the local board of health shall be carried to the account of the moneys as aforesaid. And whosoever deposits or causes to be deposited any filth, dust, ashes, or rubbish in any place except such boxes or conveniences so provided, or without the consent of the said local board collects or removes any sewage, soil, dung, filth, ashes, dust, or rubbish, or obstructs the local board of health or contractor in removing any such matters (except in cases where such matters are produced on his own premises and are removed for sale or applied for his own use as manure and are in the meantime kept so as not to be a nuisance or injurious to health),

“or wilfully or negligently damages such works, buildings, boxes, or other conveniences, shall for every such offence be liable to a penalty not exceeding Five pounds, and to repay to the local board the cost which such local board shall have incurred in the remedying of such wilful or negligent damage.” I might point out to the Hon. Mr. Randell that the exemption is only in favour of those who produce this refuse on their own premises or apply it to their own use, or keep it so as not to be injurious or a nuisance. I do not see anything objectionable to that. I remember that the local board prosecuted Dr. Waylen for using it on his lower garden. He said it was not injurious, and the magistrates dismissed the information. I can see no reason why, if it be mixed with horse manure, for instance, it should not be used where it causes no odour and does no injury. It is not used on my premises, but I do not use night-carts, because I consider my system ten times more cleanly. Now, I think this clause should read only as follows:—“In any case where the provisions of the principal Act may be in conflict with this present Act, the provisions of this present Act shall prevail.” We should stop here, for I do not think by-laws ought to be allowed to repeal a portion of an Act. Even the words I have read are not wanted, because such is the law without them.

THE HON. J. W. HACKETT: I fancy the gentleman who drew this Bill is not a gardener, for we are to be forbidden to collect leaves for manure.

THE HON. J. MORRISON: I beg to withdraw my amendment.

Amendment, by, leave, withdrawn.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I move to strike out all the words after “prevail.”

THE HON. G. RANDELL: On the ground stated by the Colonial Secretary I do not object to the striking out of the words. I think the gentleman who drew the Bill is quite justified in trying to repeal the exemptions in the principal Act, but I think that will be better done by a direct clause in the Bill rather than by leaving it to by-laws.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 9 passed.

Clause 10.—“Work under double-pan system:”

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): This clause gives power to carry on the work at any time.

**THE HON. G. RANDELL**: Yes, in the daytime as well as during the night.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): It may be said that these pans will be airtight; but they cannot be when used. The more they are moved the greater nuisance will they become, and I cannot think it will be a good thing to do the work in the daytime. To put myself in order, I move that the clause be struck out.

**THE HON. G. RANDELL**: I understand that in large cities the work is done in the daytime, and that it is not found to be productive of any nuisance. For my part I think it would be better done at night, but that involves more expense than if done in the daytime. I leave the matter in the hands of the committee.

**THE HON. J. W. HACKETT**: I trust the clause will be struck out, on the elementary grounds of decency.

Clause struck out.

New Clause:

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I think the slaughtering of cattle in towns is most objectionable. I have been in the backyards of butchers' shops, and have found the odour horrible, which was caused by the slaughtering carried on there. I do not think the Mayor should be allowed to override the Local Board of Health in the manner allowed by Section 88 of the principal Act. I think it better to provide that in Perth and Fremantle, at any rate, no slaughtering shall be done. I beg to move the following clause be added to the Bill:—“Notwithstanding anything contained in the principal Act, no swine, sheep, or cattle shall be slaughtered in the Municipalities of Perth and Fremantle, and any person offending against the provisions of this section shall be liable to a penalty of not more than £50.”

**THE HON. J. W. HACKETT**: How would this affect cattle which fall and break their necks?

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): That is met by fixing the penalty at not more than £50. In such

a case as is suggested the magistrates would exercise their discretion.

**THE HON. J. MORRISON**: Would this clause include calves or lambs?

**THE COLONIAL SECRETARY** (Hon. S. H. Parker): I should say it would; but I will put them in too.

Clause amended by the insertion of the words “calves or lambs” after the word “cattle.”

Clause, as amended, agreed to. Bill reported.

#### ELECTORAL BILL, 1893.

This Bill was received from the Legislative Assembly, and was read a first time.

#### HOMESTEADS BILL.

The Order of the Day for the third reading of this Bill was discharged, and the Bill recommitted on the motion of the COLONIAL SECRETARY.

#### IN COMMITTEE.

Clause 3:

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, after the word “may,” in line 1, to insert the words “from time to time.”

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, in line 3, to strike out the words “portion of,” and add letter “s” to the word “land.”

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, in line 4, after the word “colony,” to insert the words “including any lands or any portions thereof which have been or may be set apart under the Land Regulations as Agricultural Areas.”

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, in line 5, after the word “Railway,” to add the words “including any lands so set apart as special areas.”

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, in line 6, to strike out the word “confined,” and insert “limited” in lieu thereof.

Amendment put and passed.

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) moved, in line 7, after the

word "part," to insert the words "for homestead farms."

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, to add the following new paragraph to the clause: "The portions of any lands so set apart for homestead farms which are exempted from selection under this section may be alienated under the provisions of the Land Regulations, or any laws relating to Crown lands. The Governor may from time to time direct that any lands so set apart for homestead farms shall no longer be open to selection under this section."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 7:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as an amendment, to strike out the clause, and insert the following in lieu thereof:—"If the selector proves to the satisfaction of the Minister that he has been, or is prevented by illness or some other valid reason from performing or complying with the provisions of the next preceding section, or any of them, the Minister may, by writing under his hand, waive any forfeiture thereby incurred, or may grant the selector written permission to absent himself from his homestead farm for such period as the Minister may think fit, and during the time mentioned in the permission the selector shall be deemed to be residing on his homestead farm. If the selector dies or is declared a lunatic before the fulfilment of the prescribed conditions of residence, fencing, and improvement, his farm may, with the approval of the Minister, be held by his legal representatives subject to the fulfilment by them of all unfulfilled conditions except the condition of residence, but in trust for, and for the benefit of the persons rightfully entitled." I do this in consequence of the remarks of the Hon. Mr. Morrison and the Hon. Mr. Hackett. Under this clause, if an unfortunate selector dies, the residence condition will no longer be required.

THE HON. J. MORRISON: I would like to ask the Colonial Secretary if a man is imprisoned will his farm be forfeited.

THE COLONIAL SECRETARY (Hon. S. H. Parker): If he does not reside on

his land it will be forfeited, but the Governor will have power to waive the forfeiture for any valid reason. Of course it would be impossible to provide in a Bill that if a man were imprisoned the residence should not be enforced. It would be a premium to crime.

Clause passed.

Clause 9:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved to strike out the words "liable to forfeiture," in line 8, and insert "forfeited." I think this better, and we can then leave it to the Governor to waive it. The Executive Council is more likely to deal leniently with selectors than any other tribunal.

THE HON. J. W. HACKETT: I hope the time will come when every waiver of forfeiture will be gazetted.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 11:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved to strike out all words between "that" and "shall," in lines 5, 6, and 7, and insert in lieu thereof:—"the residence and other conditions applicable to a homestead farm have been duly performed, and that the fencing, improvements, or other works have been duly effected as prescribed by this Act."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 12:

THE HON. J. MORRISON moved that the words "by paying five shillings an acre for the land comprised in such farm, together with," in lines 7 and 8, be struck out. I do not think a man who does his improvements in one year should be handicapped by having to pay 5s. an acre to get his land.

THE COLONIAL SECRETARY (Hon. S. H. Parker): In that light it does look hard; but the object of this Bill is to get people to reside on the land for at least seven years. If we do not make this condition we shall be playing into the hands of capitalists and large land owners.

THE HON. J. MORRISON: The preamble to this Bill states that it is an Act to provide for free gift of land; but there is no free gift if, when a man has done his improvements, he has to pay 5s. an acre. There is no advantage to the indus-



trious man; it is a premium to dilatoriness."

Amendment put and negatived.

Clause 13:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved to strike out all the words between "farm" and "and," in lines 5 and 6.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, in line 8, to strike out the words "in that case."

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, in line 10, to strike out the word "three," and insert the word "five."

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved to add the following new paragraph to the clause:—"With the special consent of the Minister any land which has been set apart for homestead farms may, under the provisions of the Land Regulations, or any such law as aforesaid, be granted or let to or be occupied by any applicant for a homestead farm or selector." This does not apply to the village allotments; but only where a homestead farmer desires to have more land under the Regulations and those Regulations require residence. In that case residence on the farm or village site would suffice. The Government at first thought that three miles would be a sufficient distance within which to have the village lots, but they have now made it five miles.

Amendment agreed to.

Clause, as amended, passed.

Clause 14:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, after the word "declare," in line 2, to add "any land, not more than five miles from the land so set apart."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 15:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, in line 4, after the word "village" to add the words "declared as aforesaid in connection with the land out of which their homestead farms are selected."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 18:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, in line 1, between the words "may" and "set," to insert the words "from time to time."

Amendment put and passed.

THE HON. J. W. HACKETT: There seems to be no power given to the Governor to set apart Crown lands or classify them, and no power to withdraw them or alter the classification. I think it is desirable there should be a power of this kind.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I will move to add the following words to the end of the clause: "and may from time to time direct that any lands so set apart shall no longer be open to selection for homestead leases."

Amendment put and passed.

Clause, as amended, agreed to.

Clause 21:

THE COLONIAL SECRETARY (Hon. S. H. Parker): After consideration it has been deemed advisable to strike out the latter part of the clause, and add the following: "The said rents shall respectively be due and be paid in advance on the 1st day of March in every year. If an application for a lease is made on or after the 1st day of March in any year, the applicant shall pay the first year's rent at the time of making his application. The said rents may be paid to the Minister, at the Crown Lands Office in Perth, or elsewhere in the colony, to any agent of the Minister, or to any Resident Magistrate. If a lessee fails or neglects to pay the rent due by him on the 1st day of March in any year, or to pay the same, with a fine of One shilling in the pound on such rent, within 30 days after the said 1st day of March, or with a fine of Two shillings in the pound within 60 days thereafter, or with a fine of Three shillings in the pound within 90 days thereafter, or with a fine of Four shillings in the pound on such rent within 120 days after the said 1st day of March in any year, his homestead lease and the lands comprised therein and all improvements thereon shall be forfeited. As early as possible after the first day of March in every year the Minister shall publish in the *Government Gazette* the names of the lessees in default

"with the respective amounts of rents "in arrear."

Amendment put and passed. Clause, as amended, agreed to.

Clause 22 :

**THE COLONIAL SECRETARY** (Hon. S. H. Parker) : If a man takes up more land it would never do to have different periods of time applicable to the performance of the conditions, and I therefore move to strike out all the words after "otherwise," and insert in lieu thereof the words "and in such case the land so added to the lease shall be deemed to have been originally included therein, and shall be held subject to all the conditions of fencing and improvement, and otherwise applicable to the lease." Thus any further area taken will be considered as part of the original lease. It would never do to allow a man to come in after 10 years and take up new land. If he wants more he must pay the back rents and perform all the due conditions at once.

Amendment put and passed. Clause, as amended, agreed to.

Clauses 23, 24, and 25 were struck out.

Several new clauses were added to the Bill, and a number of verbal amendments were made [*vide* Council Minutes No. 37 of 1893, pp. 133, 134.]

#### ADJOURNMENT.

The Council, at 11.15 o'clock p.m., adjourned until Tuesday, 10th October, at 2.30 o'clock p.m.

## Legislative Assembly,

Monday, 9th October, 1893.

Petition of Right of W. Wilkinson—Motion for Adjournment: Complaint of Answer by a Minister—Conveyance of Mails to Northern Ports—Electoral Bill, 1893; third reading—Petition of Miners of Greenbushes re proposed Concession to Mr. Reid—Message from the Legislative Council: Elementary Education Act Amendment Bill; first reading—Message from the Legislative Council: Concurrence in Bill—Immigration Act Amendment Bill; second reading; in committee—Distillation Act Amendment Bill; second reading; in committee—Railways Act Amendment Bill; in committee—Adjournment.

**THE SPEAKER** took the chair at 7.30 p.m.

#### PRAYERS.

#### PETITION OF RIGHT OF W. WILKINSON.

**MR. MONGER**, without notice, asked the Commissioner of Crown Lands: Is it the intention of the Government to accede to the request contained in the Petition of Right of Mr. William Wilkinson, of York, to permit the charges, as alleged therein, to be settled in the Supreme Court of this colony?

**THE COMMISSIONER OF CROWN LANDS** (Hon. W. E. Marmion): The hon. member must give notice of the question.

#### MOTION FOR ADJOURNMENT: COMPLAINT OF ANSWER BY A MINISTER.

**MR. MOLLOY** : I intend to move the adjournment of the House, for the purpose of calling attention to the answer I received the other evening, from the Commissioner of Railways, and in order to state the reason given for the dismissal of a railway porter named Brown, formerly employed at the Perth railway station, namely, that it was in consequence of a reduction of hands. From information I have received, and also from a letter appearing in this morning's *West Australian* newspaper, I beg to call attention to the answer so given, because instead of there having been a reduction of hands as alleged, I am assured there were three men taken on in the place of this porter. This man was dismissed at a moment's notice, although he had been in the railway service nine months, without any complaint made against him; and, since his dismissal, three other men have been taken on in the same capacity