

### MESSAGES FROM LEGISLATIVE COUNCIL.

After members had waited for messages expected from the Legislative Council, three messages were received and read; two of them reporting the Council's concurrence in amendments made by the Assembly in Bills, and one their concurrence in the Assembly's further amendment made in the Council's amendment upon the Assembly's original resolution re "Hansard" reporting.

### ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at 7.55 p.m., until next day.

## Legislative Council.

Friday, 23rd October, 1896.

Australasian Federation Enabling Bill: third reading—Loan Estimates, 1896-7—Bankruptcy Act, 1892, Amendment Bill: laid aside—Lands Resumption Act, 1894, Amendment Bill: second reading; committee—Jury Act, 1871, Amendment Bill: committee—Public Health Act, 1886, Amendment Bill: committee—Kalgoorlie-Menzies Railway Bill: second reading; Message to Legislative Assembly—York-Greenhills Railway Bill: second reading; committee—Bills of Sale Bill: second reading—Kalgoorlie-Kanowna Railway Bill: second reading; committee—Perth Racecourse Railway Bill: second reading; committee—Width of Tires Act, 1895, Amendment Bill: laid aside—Aborigines Protection Board: Legislative Assembly's Message—Goldfields Act, 1895, Amendment Bill: second reading; committee—Church of England School Lands (private) Bill: second reading; committee; third reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

### AUSTRALASIAN FEDERATION ENABLING BILL.

#### THIRD READING.

This Bill was read a third time and passed.

### LOAN ESTIMATES, 1896-7.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I find, when I made a statement yesterday in connection with the Loan Estimates, that I made a mistake. I was under the impression that the Hon. Mr. Parker was asking for some superfluous information, and I said I would not lay it on the table. As I say, I find I was wrong, and I have since procured copies which will be handed round to hon. members. I further propose to postpone the consideration of the Appropriation Bill until hon. members have had an opportunity of considering the paper which I now lay on the table.

### BANKRUPTCY ACT, 1892, AMENDMENT BILL.

THE HON. R. S. HAYNES: I move that this Order of the Day be discharged.

THE HON. F. T. CROWDER: I second this motion with regret. Some amendment of the law is required by the commercial community, but I am forced to the conclusion that this Bill is not necessary. If the Order of the Day be discharged, an opportunity will be given to the Chambers of Commerce of Perth and Fremantle to fully consider the matter and prepare a Bill which can be introduced next session.

Question put and passed.

Order of the Day discharged.

Bill laid aside.

### LANDS RESUMPTION ACT, 1894. AMENDMENT BILL.

#### SECOND READING

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): This is a short Bill setting forth the methods to be adopted where land is resumed for railway or other purposes. It is provided that notice shall, after being published in the *Gazette*, be served on the owners and occupiers of the land, who must, within 60 days, send in their claim. Where no notice has been served, but published in the *Gazette* only, the claims must be sent in within four months. If no claim is sent in, the Minister may then appoint a sole arbitrator. In the event of the man making an offer, and no reply being received within a month, it will be taken that that offer has been accepted. It has

been the practice in the past, when land has been resumed, for the Government to take the rents accruing from the land, and it seems reasonable that, if the profits are taken, interest should be paid to the owners. Therefore, it is provided that 6 per cent. interest shall be paid from the date of the taking over of the land. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

Clauses 1 to 7 agreed to.

Clause 8—Compensation to be paid from date of taking over :

THE HON. F. M. STONE: Would it not be better to state that the Crown is entitled to the rents and profits from the date of taking over?

THE HON. S. H. PARKER: There can be no question about the Crown being entitled to rents and profits.

Clause agreed to.

The remaining clauses were agreed to, the Bill reported, and the report adopted.

#### JURY ACT, 1871, AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3—Payment of jurors :

THE HON. R. G. BURGESS: It is stated that jurors shall be entitled to mileage every day. Does it mean that a person who has to come a distance of 25 miles shall receive 16s. 8d. per day, in addition to the 10s., although he may not travel?

THE HON. S. H. PARKER: If a juror reside 25 miles from the court and is unable to make use of the railway, he will be entitled to £1 6s. 8d. per day. Even if he does not go home every day, I do not think the amount is too much, considering that he will have to remain in town and pay his expenses.

Clause agreed to.

The remaining clauses agreed to.

Bill reported, and report adopted.

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

##### IN COMMITTEE.

Clause 1 agreed to.

Clause 2—Amendment of 50 Vict., No. 19:

THE HON. F. M. STONE: Although I do not intend to oppose this clause, I

desire to say that I should like to have seen the Health Act further amended, especially with regard to the powers of local boards. At the present time in Perth the money is absolutely wasted in many ways. Sometimes we find a poor old woman brought to court because she is unable to pay for a pan, while, in other cases, ratepayers who positively refuse to alter their water closets are allowed to go scot free. I have been in court on several occasions when these poor old women have been prosecuted, and two or three officials have been hanging about all day to prove the case, which has ended in the magistrate telling the board to supply the pans. I have known prosecutions against persons for burning paper and rubbish, while, on the other hand, it is well known that other people have been allowed to throw all kinds of filth down unused wells, to fester and breed disease, and yet nothing is done. I should like, therefore, to see such an amendment of the Act as would take the power out of the hands of the City Council, and give it to an independent board. The way the health of the city is looked after is simply a farce. There are a lot of officials, and even when matters are reported to them, they shut their eyes. Great care is taken to compel certain individuals to keep their back yards clean, but, on the other hand, although attention has been called to it, excreta is allowed to be deposited along the river, and no notice whatever is taken of it. Now that we are giving power to increase the rate, I hope greater attention will be given to the matter of the health in the city. I know cases in which summonses have been issued against thirty or forty persons where one would have been sufficient, while, on the other hand, other people, guilty of similar offences, have been allowed to go scot free. The authorities will have another chance, and next year, if we find that matters are still unaltered, we can take steps to amend the Act.

THE HON. R. S. HAYNES: I thoroughly endorse every word which has been said by the Hon. Mr. Stone. The funds of the board are frittered away, and the officers do not discharge their duties as they should do. Flagrant nuisances are allowed to exist, and the officials cannot be got to move. For a long time past an abominable nuisance has

existed in St. George's Parade, opposite the Government offices. It is an eyesore and a menace to the health of the people who pass, and there is a large traffic, the road being used by those who attend the Government offices, and who attend St. George's Cathedral. I do not know who owns the building, but the Council cannot be induced to bring a prosecution, although attention has been called to the nuisance over and over again. I agree that the way the Act is carried out is a disgrace.

THE HON. S. H. PARKER: I would like to ask the Mayor of Perth if the Corporation has control over the lower portion of the ground near the Supreme Court. The reason I ask is that, close to the practitioners' entrance, a heap of manure and filth has been lying for a long time. One of the Judges has spoken to me about it, and I may say that it is most offensive.

THE HON. H. J. SAUNDERS: If the hon. gentleman will come to the Council chamber I shall be glad to answer his question.

THE HON. F. T. CROWDER: I perfectly concur with the remarks of the Hon. Mr. Stone and the Hon. Mr. Haynes, and I sincerely trust that they will be read by those responsible for the carrying out of the Health Act. There is too much money spent in prosecutions and uniforms for officials, and not enough in cleansing the filthy parts of the city.

Clause agreed to.

Bill reported, and report adopted.

#### KALGOORLIE-MENZIES RAILWAY BILL.

##### SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I feel sure hon. members will agree with me on one point, and that is that this is a very short Bill. The object of it is to enable the Government to construct a railway from Kalgoorlie to Menzies, a distance of about 82 miles. Exception has been taken to the proposal of the Government. By some it has been contended that the starting point should be Coolgardie. The Government, however, have carefully considered the matter, and have come to the conclusion that it will be in the best interests of the colony, give the greatest conveniences, and enable the construction

to be completed within the shortest time, by starting from Kalgoorlie. A distance of 27 miles will be saved, and this, at £2,000 per mile, means over £50,000. Another advantage in starting from Kalgoorlie is that fresh centres along the route are being continually opened up. Already we have Broad Arrow, Bardoc, and Goongarrie. If we started from Coolgardie, although it would give conveniences to the people at the 25-Mile, the other districts would be left out. Another proposal which has been made is that the line shall start from Southern Cross. I do not think, however, that anyone will seriously urge this route, because the additional amount of money involved is so great that that in itself would be an objection to those hon. members who wish to limit the expenditure as much as possible. There is also another objection to starting from Southern Cross, and that is that no centres of settlement of any consequence will be passed. The great argument in favour of this route is that the time will come when a line will be constructed from Esperance to Coolgardie or Kalgoorlie; and that if the Menzies railway were started from Southern Cross there would be less inducement to construct the Esperance railway, and even if it were constructed, we should still be able to retain for Fremantle the Northern trade. Superficially that sounds very well, but I might point out that the Government which would authorise the construction of a railway from Esperance would not hesitate to construct another loop-line and thus secure the trade from the North. The question, however, has been so thoroughly thrashed out in the newspapers, and in other places, that I need say nothing further upon it. I move that the Bill be now read a second time.

THE HON. S. H. PARKER: Might I ask you, Mr. President, to give us your opinion as to what is the principle of this Bill? I take it that the starting point is not the principle, and the reason I ask is that I propose in committee to make a suggestion that "Kalgoorlie" be struck out and "Southern Cross" be inserted instead.

THE PRESIDENT (Hon. Sir G. SHENTON): I take it that we must deal with the Bill as it comes here.

THE HON. S. H. PARKER: What is the principle of it? Is it the construction

of a line to Menzies, or is it that the starting point shall be Kalgoorlie?

THE PRESIDENT (Hon. Sir G. Shenton): We must take the Bill as it comes to us.

THE HON. S. H. PARKER: There are certain hon. members who think that the starting point should be Southern Cross, and in order to test the opinion of the House I intend to move that all the words after "that" be struck out, and the words "this House is not prepared to pass the second reading until the starting point is altered from Kalgoorlie to Southern Cross" inserted in lieu thereof. I should like to know before I proceed whether that will be in order.

THE PRESIDENT (Hon. Sir G. Shenton): Looking at it strictly, perhaps the amendment is in order, but I hardly think this is a proper course to adopt. A Bill comes here for the construction of a line from Kalgoorlie to Menzies, and, to my mind, a line from Southern Cross to Menzies is quite a different thing. In the first place, it doubles the distance, and, in the next place, only a certain amount is provided in the Loan Bill for the work. If the amendment were carried, there would not be sufficient funds to construct the line with. The estimate is for a line 84 miles in length, and I understand that from Southern Cross the distance would be 160 or 170 miles. So that if we send the amendment to the Legislative Assembly we shall be asked where the funds are to come from.

THE HON. S. H. PARKER: That is not the point. The question is: would such an amendment be in order under Section 23 of the amending Constitution Act?

THE PRESIDENT (Hon. Sir G. Shenton): I think so, but it is irregular.

THE HON. S. H. PARKER: It cannot be both irregular and in order. I will take it, then, that it is in order. The great desire of Parliament is to connect Menzies with our railway system, and this, I take it, is the real principle of this Bill. With respect to what you, sir, have been pleased to say as to the funds, the amount provided on the Loan Estimates will be quite sufficient for the current year, and next year there will be such a large surplus revenue that part of it can be used for the construction of this line, instead of being squandered around

the country. The large revenue will be derived from the goldfields, and in what more proper manner can it be used than to aid in the construction of this railway? The hon. the Minister has stated that the Government which would allow a railway to be constructed from Esperance would allow another to be constructed to tap the Menzies line. I do not think that follows. If the goldfields prosper the Esperance railway will be forced on the Government, but, if we make this line from Southern Cross, we shall at least be able to retain the trade to Menzies and from the North. No doubt it would be cheaper to construct the line from Kalgoorlie at the present moment, but, if the goldfields are going to prosper, in the very near future a duplication of the line will be necessary. If this railway branches off at Southern Cross, it will then be necessary to duplicate the line to that point only, whereas, if we take it from Kalgoorlie, we shall have to duplicate the whole distance, so that what we save now we shall lose many times over in the future. I agree with the hon. gentleman that it is not necessary to say very much on this Bill, but I would point out to the members for Fremantle that this is a matter in which they are particularly interested. If Esperance is to become the port of the goldfields, there can be no question whatever but that Fremantle will suffer in its trade. If, on the other hand, we insist on the line starting from Southern Cross, it is obvious that all the trade must come to Fremantle. I trust, therefore, that hon. members who are interested in the welfare of this portion of the colony will vote for the amendment which I now propose.

THE HON. A. B. KIDSON: I have much pleasure in seconding the motion of the Hon. Mr. Parker, and I feel it will commend itself to all hon. members, except those interested in the goldfields. In dealing with this matter I ask hon. members not to be afraid, but to vote and to be true to themselves. In this matter we have to consider not only the goldfields, but the major part of the colony. This railway is going to affect not only Perth and Fremantle and the Southern districts, but to a large extent the Northern districts as well. The goldfields provide a market for a large quan-

tity of the produce of this colony, and, therefore, it stands to reason that, unless some means are provided for forwarding it, we shall be cutting our own throats, because it is as sure as the sun shines that a railway from Esperance will be constructed; and when it is, the whole of the trade will be diverted from us, and will be done with the neighbouring colonies. I cannot understand how another place passed this Bill without a division. Hon. gentlemen should remember the interest they have at stake. I am in favour of supporting the goldfields, but not to the detriment of the other parts of the colony. I might point out that, a short time back, a very large and influential deputation waited on the Premier in connection with this matter. Sir John Forrest then made the promise that this Bill would be referred to a select committee. That has not been done. On that deputation were representatives for every part of the colony. The Hon. Mr. Spencer was there, and, although he did not speak, he lent force to it by his presence. Afterwards the hon. gentleman said that if the Premier started the railway from Kalgoorlie he would vote against it, and I hope he will now keep to that in the interests of the district he represents. It is said that the cost will be more. Supposing it is, the expenditure of the extra amount would do nothing like the harm to the colony that the starting of the line from Kalgoorlie will. I am glad to hear the President say that this motion is in order, for it would have been a sad state of things if we had no voice in the matter. I cannot see why we should not have the same powers as the Legislative Assembly.

THE PRESIDENT (Hon. Sir G. Shenton): We have not the same powers; we have only the power to request an amendment.

THE HON. A. B. KIDSON: I do not think it is necessary to labour the point. I think the Menzies people have a right to be consulted in this matter. Why should they be compelled to pay freight on 60 miles or 100 miles extra when there is no necessity for it? I may also point out, in connection with the extra cost, that we have found that all the estimates for the construction of the goldfields railways have been at least 100 per cent. more than the actual cost, and there is

no reason why they should not be out in this matter also, and then the line will be constructed just as cheaply from Southern Cross as from Kalgoorlie. With regard to the route, it has been suggested by Captain Oats, who knows the district very well, that the line should go from Southern Cross, and it also stated that the flying survey from that point has been taken one-third of the distance longer than is necessary. It seems to me a strong argument that Captain Oats, who is a Coolgardie man, should express himself so strongly in favour of the Southern Cross route. It has been stated by the Minister that, even if the Esperance line is constructed, a loop-line will be built to secure the trade. Even so, it stands to reason that the large bulk of the trade must be diverted. The Hon. Mr. Parker referred to the duplication of the line, and that in itself is a most important matter. Again, if the line be started from Kalgoorlie, it will have a very bad effect on the producers of the colony, and I ask hon. members to vote against it.

THE HON. D. K. CONGDON: I have a few words to say. I have never expressed any opinion on this subject before, and I must say that, as a rule, I think railways should be built along the route which will tap the greatest number of centres. At the same time, we must not altogether forget other interests. It strikes me that if this railway is not taken from Southern Cross a serious injury will be done to Fremantle and the Southern portions of the colony. In these circumstances I shall support the amendment, and I hope the Assembly will see fit to fall in with our views.

THE HON. C. E. DEMPSTER: From the first I have considered that the line from Southern Cross would be the more desirable. It would pass through country which is known to be good, and which will perhaps turn out to be equal to that of Coolgardie or Kalgoorlie. Although there are a great many arguments against the Southern Cross route, I promised to support it, and I shall stand by my promise.

THE HON. J. H. TAYLOR: I shall oppose this amendment. As far as the different routes are concerned, individually I may say that I am in favour of the line starting from Coolgardie, but I pledged myself to support whichever

starting point the Government engineers considered the better. The Kalgoorlie route goes through a number of important centres; it is shorter in distance, and will cost the country less money. The route from Southern Cross goes through a desert, and passes no important centres, and is double the distance of the Kalgoorlie route. Another thing is that I have never yet heard of a country building railways for the purpose of prospecting. The mines are generally found first, and then railways are built to them. The Hon. Mr. Dempster says that the country between Southern Cross and Menzies may turn out to be as good as Coolgardie. Admitting that this may be so, it is no reason why we should incur an extravagant expenditure on the chance of finding mines. Another reason why I shall oppose the amendment is that if it is carried it will have the effect of depriving Menzies of a railway altogether this session. The Lower House will not agree to an amendment of this kind, and then, if we insist upon it, the Bill will be thrown out, and there will be no railway. One of the great objects of the Government is to connect Menzies with the rest of the goldfields. It is a matter of great importance that the representatives of capital who come here shall have an easy means of visiting the principal centres. Many men at the present time go to Coolgardie and Kalgoorlie, but they evince no inclination to go on to Menzies, because the journey is a difficult one, and it occupies too long a time in making it. This is why the Menzies people wish to be connected with Kalgoorlie in preference to Southern Cross. They consider it of more importance to be in communication with Kalgoorlie than Perth, and for this advantage they do not mind paying the extra freight. The Hon. Mr. Kidson referred to Captain Oats being a Coolgardie man, and yet being in favour of the line from Southern Cross. Before Captain Oats went to Coolgardie he was for many years at Southern Cross, and it is now generally understood that he will stand for that district. That, possibly, may be the reason why he has stated that Southern Cross is the better route. One argument in favour of building the line from Southern Cross was advanced by the Hon. Mr. Parker, when he said that we had to take into account the duplica-

tion of the line in the future. No doubt there is something in that, but the other reasons I have given in favour of the Kalgoorlie route far outweigh that one. I would like to see a loop-line from Coolgardie *via* the Black Flag, Broad Arrow, and other places. Such a line would tap a number of most important mining centres; and although we cannot get it this session, a certain amount of hope in the future has been held out to us. If the people of Perth and Fremantle will support that line, I am perfectly certain that the Coolgardie members, who will be in greater force next year, will espouse the duplication from Southern Cross to Menzies. I cannot support the amendment, and principally for the reason that, if it is carried, it will have the effect of Menzies having no railway.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I might say a few words in regard to this amendment, which, if carried, will alter the whole spirit and intention of the Bill. I am rather astonished at the position which hon. members have taken up, because hitherto their object has been to save money. The estimate of the line *via* Southern Cross, without any rolling stock, is £460,000, while the estimate from Kalgoorlie, including rolling stock, is only £270,000. If, therefore, the amendment is carried, hon. members will see how the hands of the Government will be hampered. I can understand the speech of the Hon. Mr. Kidson, because he is no doubt acting in the best interests of his constituents, but at the same time I think he is unduly alarmed. Then let us look at the merits of the two routes. The route from Kalgoorlie embraces a number of important centres, and saves about £200,000 in the cost of construction. Against this we must look at the bearing which the construction of a line from Esperance will have. Some hon. members say that unless the line to Menzies is taken from Southern Cross it will injure the people of Fremantle and Perth in their businesses. I cannot agree with this, because, as I have said, any Government which is prepared to build a line from Esperance will not stick at building another line also, so as to catch the trade from the North. Further, I might point out that, by

the time this railway is finished, we all hope that there will be so much increased production in the colony that there will be no necessity for a trade which is chiefly in food supplies with the other colonies. Most of the softgoods and hardware come from London, and they will go to Fremantle in any event. Then, again, a line from Southern Cross would give nothing like the amount of accommodation a line from Kalgoorlie would. By the former route, Bardoc, Broad Arrow, and all these other places would be left without a railway. The Hon. Mr. Kidson stated that the Premier had broken his promise in not referring the question to a select committee. I may say that the Premier did not give a distinct promise, and, seeing that there was a unanimous vote in the other House, there was no necessity for any reference to a select committee. In the Legislative Assembly the Fremantle members made no objection to the Kalgoorlie route.

**THE HON. D. K. CONGDON:** If they neglected their duty that is no reason that we should neglect ours.

**THE MINISTER FOR MINES (Hon. E. H. WITTENOOM):** But it shows that the opinion is not unanimous, even among Fremantle members themselves. Why should it be supposed that the Government wish to advocate the worst route. The Government have endeavoured to select the best route. Had they adopted the route from Coolgardie it might have been said that they had done so under pressure, but that cannot be said now. I hope hon. members will not consent to the amendment, which will have the effect of throwing out the Bill altogether. The Government are not prepared to build the railway from Southern Cross to Menzies, and if hon. members insist on the amendment the Bill must go. I am not throwing this out as a threat, but only to let hon. members know that the Government cannot follow a course which they are convinced would not be a right one.

**THE HON. F. T. CROWDER:** I intend to confine my remarks to the speeches of the Hon. Mr. Taylor and the hon. the Minister for Mines. The Hon. Mr. Taylor told us that he was pledged to support a railway from Coolgardie to Menzies, but seeing that the Government—

**THE HON. J. H. TAYLOR:** I said I was pledged to support that route which the Government engineers considered best.

**THE HON. F. T. CROWDER:** The hon. gentleman said that in his opinion the route from Coolgardie was the best one, but, inasmuch as the Government had decided to start from Kalgoorlie, and as he is a strong Government supporter, he is now convinced that the proposed line is the best one. I have given no pledge, and therefore my views can be taken as being independent ones. We all agree, I think, that Menzies should have a railway, but the starting point of it is an important matter, because it materially affects the settled districts. I ask hon. members to look at Broken Hill. If they do so, they will see that New South Wales gained no advantage whatever from the trade, the whole of which fell into the hands of South Australia, and as sure as the sun will rise to-morrow, so sure will it be an accomplished fact, within a very short time, that a railway will start from Esperance, and ultimately go on to Coolgardie, with the result that the whole of the trade with the fields will be done not by the people of Perth and Fremantle, but by the merchants of the neighbouring colonies. In what position then will our Southern districts be. The hon. the Minister has told us that the line from Southern Cross will cost double the amount of the line from Kalgoorlie, but, even so, I feel sure the extra amount will be returned over and over again. I may also say that I do not consider we have been treated fairly in the matter of the survey, because, judging from the plan, the line has been taken through the highways and byways so as to make the cost come out as much as possible. We know that the country from Southern Cross to Menzies is as flat as a billiard table, and to say that the line will cost £400,000 to construct is absurd. It is also said that the line will go through a desert where there is no water. I would ask hon. members whether, when the Government started the line from Northam to Southern Cross, they had any ultimate belief that such a place as Coolgardie would be found. If it had not been, what would have become of the line? Is it not possible then that there may be quite as good mines between Menzies and Southern Cross as there are between

Southern Cross and Coolgardie. It has been argued by the Hon. Mr. Taylor and the hon. the Minister that, if the amendment be carried, it will have the effect of depriving Menzies of a railway. I do not agree with that, because the Government are pledged to build a line to Menzies, and I think they will hail with delight the motion of the Hon. Mr. Parker. It will give them a chance to serve the interests of the Southern districts, which will be called upon to pay the interest and bear the burden of the taxation in the future. The Hon. Mr. Taylor said that if the House agreed to this railway, and also a loop-line from Coolgardie, he felt sure the goldfields members would raise no objection to a line from Southern Cross to Menzies. But I ask whether any sane Government would be so foolish as to give three lines of railway to Menzies. The hon. the Minister argued that the port of Fremantle would not suffer. But there can only be one outcome of a line from Esperance, and it is that, either the merchants must shift from Fremantle and Perth and establish themselves at Esperance, or they must sit down and see merchants from other places take the trade away. There is no doubt whatever that, if Esperance Bay is opened up, then the best part of the business of Fremantle and Perth will be ruined. I will go so far as to say that no men in Western Australia are so imbued with the interests of the colony as are the Ministers, but we must remember that they, on the whole, are not business men, and that they do not look at matters from the point as to how they will affect trade. We have been told that this Bill was passed by the Assembly without a division, but, as I have often said, what has that to do with it? There is no power in the Assembly to stop any Bill, but we, in this House, have a duty cast upon us to watch and guard the interests of the whole of the colony. If we pass this Bill, all I can say is that it means good-bye to Perth and Fremantle and all their prospects.

THE HON. D. MCKAY: I do not see how any man of common sense can support this amendment. The line from Southern Cross will cost thousands of pounds more, and will not provide for 10,000 who need railway facilities. If we are going to build a line from

Southern Cross we shall be simply putting down rails for kangaroos to jump over and nothing else.

THE HON. H. J. SAUNDERS: If hon. members were acquainted with the route of the proposed railway, they would know that as soon as ever the rails are laid the traffic will pay, but if constructed from Southern Cross the line will not only cost a great deal more, but it will not be likely to pay, because there is no water, and we know how much it has cost to find water on lines that are already constructed. I do not agree with the views which have been expressed by the hon. member for Fremantle. I venture to suggest that by the time the line is built it will be next to impossible to affect the trade in any way. I fully admit that a line to Esperance is a certainty within four or five years, but by that time the population will have so increased that no difference will be made in the trade. The Hon. Mr. Parker has referred to the necessity for duplicating the line in the future, and I can only say that, when the time comes, then will be our opportunity for taking one line from Southern Cross to Menzies, instead of having a double track to Kalgoorlie. I cannot support the amendment, and I am surprised at the Independent Party endeavouring to increase the cost of this railway by £200,000 or £300,000.

THE HON. W. ALEXANDER: I do not think hon. members realise the large number of people who are waiting to be served between Coolgardie and Menzies, while on the Southern Cross route there are very few people, and the country is quite bare. In these circumstances I must support the Bill as it stands.

Question, that the words proposed to be struck out stand part of the question, put.

The House divided with the following result:—

Aves	...	...	...	8
Noes	...	...	...	9
Majority for				1

AYES.			NOES.		
The Hon. J. W. Hackett			The Hon. H. Briggs		
The Hon. R. S. Haynes			The Hon. R. G. Burzes		
The Hon. D. McKay			The Hon. D. K. Congdon		
The Hon. J. E. Richardson			The Hon. F. T. Crowder		
The Hon. H. J. Saunders			The Hon. C. E. Dempster		
The Hon. J. H. Taylor			The Hon. A. B. Kidson		
The Hon. E. H. Wittenoom			The Hon. S. H. Parker		
The Hon. W. Alexander			The Hon. W. Spencer		
(Teller).			The Hon. F. M. Stone		
			(Teller).		



Question put and passed.

Amendment put and passed.

Resolution reported and report adopted.

Ordered—That a message be transmitted to the Legislative Assembly, informing them that this House declines to pass the second reading of the Bill, unless the starting point of the railway is altered from Kalgoorlie to Southern Cross.

THE PRESIDENT (Hon. Sir G. Shenton) then left the chair for one hour.

On resuming,

#### YORK-GREENHILLS RAILWAY BILL.

##### SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have now much pleasure in submitting this Bill for the approval of hon. members. It is a very short Bill, but is of considerable importance, its purport being to authorise the construction of a railway from York to Greenhills. This is what is known as an agricultural railway. Some exception has been taken to building lines of this description, but I think, on reflection, hon. members will see that the Government are taking a step in the right direction. The policy of the Government is to develop the whole of the industries of the colony, and they recognise that one of the fundamental industries is agriculture. I may point out that the necessary funds for the construction of this line have been provided out of current revenue. This is a new departure, but the Government look forward to the time when they will be able to construct many reproductive works out of current revenue. The estimated cost of the line is £30,000, and £20,000 has been provided for this year. A great deal has been said about the danger to this part of the colony in the construction of a line from Esperance to the goldfields, but I would point out that if every facility is afforded to the agriculturists to produce the necessary food supplies there need be no great fear as to the result of a line from Esperance. Most of us know that the land in the neighbourhood of the Greenhills is of high quality, and the reason why more of it has not been put under cultivation is on account of the heavy cost of transit. I move that the Bill be now read a second time.

Question put and passed.

Bill read a second time.

##### IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and report adopted.

#### BILLS OF SALE BILL.

##### SECOND READING.

THE HON. R. S. HAYNES: This is a Bill repealing the present Bills of Sale Act, and also the Acts dealing with liens on wool and crops, and consolidating the whole of the law. There are not many alterations of the law, but some few have been considered to be necessary. By Clause 5 it is provided that a bill of sale shall include a bailment or lease. At present it is possible to execute what are known as hire agreements. Under the present Bill these agreements or leases will have to be registered, as any other bill of sale. Everyone who has had any experience of these hiring agreements must have come to the conclusion that they open the door to the worst kind of fraud, and every judge and every lawyer has come to the conclusion that the time has come when they should be registered. An important definition is given in the Bill. Under the present law, if a bill of sale is given for cash at the time of its execution, it is good as against execution creditors and against the trustee in bankruptcy. Frequently a bill of sale is given, not for money actually advanced at the time, but for goods and credit, and perhaps for endorsing a bill or a bond. In this case the bill of sale would be void against the official receiver, if the grantor became bankrupt within six months of the date of execution. It is proposed by this Bill to alter this, and for that purpose a definition is given of a contemporaneous advance. It provides that "Contemporaneous advance" means as well a contemporaneous advance of money by the grantor to or at the request of the grantee as the sale of goods or property upon credit, or the drawing, accepting, endorsing, making, or giving of any bill of exchange, promissory note, or the execution of any guarantee, bond, or other similar undertaking by the grantee to, for, or on behalf of the grantor on the security of any bill of sale, and contemporaneously with the granting thereof.

The times for registering a bill of sale are the same as at present. There is an alteration by Clause 15. Under the present law registration must be renewed every five years, and by this Bill it is proposed that it shall be renewed every three years. It is open to a judge, on application being made, to order that the registration may be renewed, notwithstanding that the time has elapsed. Then it is provided that if the grantor of a bill of sale desires to pay off the amount, and the mortgagee is absent from the colony, he may deposit the money with the Registrar, and obtain a discharge. Clause 31 enacts what we take to be the law. The authorities on the point, however, are uncertain, and this clause is put in so that there may be no mistake. Clause 33 amends the law in a material particular. As the law stands, if a bill of sale be executed by a debtor, and is duly registered, but is for a past consideration, it is perfectly good unless the grantor is made bankrupt. It is good as against an execution creditor who has no opportunity of testing the validity of it, unless he makes the mortgagor bankrupt. This is altered, and in future an execution creditor will be able to test the validity of a bill of sale in the same way that a trustee in bankruptcy may. Frequently a bill of sale is given, but is not registered in time, then a duplicate bill of sale is executed. Such bills have been held to be void, and this Bill declares that they shall be void. Clause 38 allows the mortgagee of chattels to buy at auction, and this will frequently prevent estates from being sacrificed. Clause 40 says that in a bill of sale over stock, the progeny shall be included.

**THE HON. D. MCKAY:** This has always been so.

**THE HON. R. S. HAYNES:** It is true that such has been the rule, but it is questionable whether it will hold good. If anyone knows anything about a bill of sale, he will be aware that it is a long rambling instrument, and the more you read it the more you get mixed up in a maze of executors, administrators, and assigns. In a mortgage under the Transfer of Land Act, there are, by statute, a number of implied conditions. This has been found to work well, and a similar provision has been introduced into this Bill, which will make the docu-

ment shorter and lessen the expense. I move that the Bill be now read a second time.

**THE HON. F. T. CROWDER:** Before the hon. gentleman sits down, will he tell us who fathers this Bill?

**THE HON. R. S. HAYNES:** It was introduced by Mr. James, and submitted to the Attorney General, who approved of it, with the exception of one clause as to the alteration of time for re-registration from five years to three years.

**THE HON. F. T. CROWDER:** Might I ask if the fee for searching is increased from 1s. to 2s.

**THE HON. R. S. HAYNES:** I am not aware of that. If there is an increase I shall be prepared to reduce it.

Question, that the Bill be now read a second time, put.

The House divided, with the following result—

Ayes	...	...	...	9
Noes	...	...	...	8
Majority for				1

AYES.	NOES.
The Hon. H. Briggs	The Hon. W. Alexander
The Hon. D. K. Courdon	The Hon. R. G. Burges
The Hon. C. E. Dempster	The Hon. F. T. Crowder
The Hon. J. W. Hackett	The Hon. A. B. Kidson
The Hon. D. McKay	The Hon. S. H. Parker
The Hon. W. Spencer	The Hon. J. E. Richardson
The Hon. J. R. Taylor	The Hon. F. M. Stone
The Hon. E. H. Wittenoom	The Hon. H. J. Saunders
The Hon. R. S. Haynes	(Teller).
(Teller).	

Question put and passed.

Bill read a second time.

## KALGOORLIE-KANOWNA RAILWAY BILL.

### SECOND READING.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** This Bill has at least the merit of brevity. Its object is to authorise the construction of a railway from Kalgoorlie to Kanowna, and I might add that the line which is proposed to be built is almost as short as the Bill. The line will be about 12½ miles in length, and all hon. members who have any geographical knowledge of the locality will be aware that Kanowna is a centre of a populous and thriving district. Although the line is only to be taken to Kanowna, it will benefit a number of other places beyond, where there are mines springing up in all directions.

There is, for instance, the General Gordon group of mines, which will be developed very rapidly as soon as railway facilities are provided. The estimated cost is £20,000, and this is another item which the Government propose to find out of the estimated revenue for the current year. It will be seen that the revenue has been carefully laid out, when I state that out of £3,000,000, after we have provided for a number of items like this, only £16,000 will be left. The Government look upon this as a reproductive work. Even if it were not so, the Government must necessarily construct roads, and anyone who has had experience in the management of roads must know that an everlasting expense has to be incurred in their upkeep. In this colony we can build railways as cheaply as roads, and they have the advantage of giving more satisfaction in every way. I submit this Bill with every confidence, and move that it be now read a second time.

THE HON. F. T. CROWDER: I move as an amendment that the Bill be read a second time this day six months. The hon. the Minister has stated that anyone who knows anything about the geographical position of Kanowna must be aware that the line is wanted. My objection to it, however, is this: that it is to be built out of loan and not out of revenue. The hon. the Minister has told us that it is to be constructed out of revenue, but I think he will admit that he has made a mistake. As I pointed out the other evening, I fail to see how this line will prove to be anything but a bad advertisement for the colony.

THE HON. H. J. SAUNDERS: They have splendid mines there.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): The last crushing went 3oz. to the ton.

THE HON. F. T. CROWDER: If that is so, they do not need this railway. If we are going to pass these twopenny-halfpenny lines, and ask the contributors of the loan to provide the funds, it will do a considerable amount of harm to the colony. If it is to be constructed out of revenue, I will say no more about it. I ask the Minister before I go further to withdraw his statement that this line is to be constructed out of revenue.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): I withdraw.

THE HON. F. T. CROWDER: This shows us that we can place very little reliance on the remarks of the leader of the Government in this House. This line is to be constructed out of loan, and without saying anything more about it I shall oppose it.

THE HON. J. H. TAYLOR: I cannot imagine this House throwing out the Bill. The Hon. Mr. Crowder has tried to throw contempt upon it by referring to it as a twopenny-halfpenny line. I do not know what he means by that, unless he is referring to the smallness of the cost of it. I believe the first two years of its working will return the whole cost of it.

THE HON. F. T. CROWDER: Will you guarantee it?

THE HON. J. H. TAYLOR: I would like to if the Government would allow me to. Apart from this, the cost of it will be defrayed by the sale of Kanowna townsite lands. The Hon. Mr. Crowder stated that, if a goldfield could not be worked with a railway within 12 miles of it, it was not worth having; but we must remember that there are a great number of outlying districts which will be served by it. We must remember that the hon. the Minister has said that under the plan on which we construct railways, whereby the consumers pay a large proportion of the cost, railways are cheaper than roads. This line is absolutely essential. Already this House has dealt a blow to the goldfields in throwing out the Menzies line, and even if hon. members go back on their former decision, they will have done quite enough harm. I hope that, once having tasted blood, the appetites of hon. members have not been so whetted that they will go still further and kill the colony.

THE HON. C. E. DEMPSTER: I shall support this line, because I think that it costs very little more to build railways than to make roads and keep them in order. The cost of the upkeep of roads is enormous, and there are not half so many advantages to be derived as there are in the case of railways. The allotments in the township of Kanowna are selling at considerable prices, and the money derived from them will help to pay for the line, and in any circumstances

I think the traffic will make it reproductive. I shall, therefore, support the Bill.

THE HON. D. K. CONGDON: It is my intention to support the Bill before the House, because I think the mines at Kanowna will be developed more speedily with the aid of a railway than without it.

THE HON. S. H. PARKER: We have heard from several hon. members that Kanowna is an important place. I confess I have never visited it, but I have conversed with several gentlemen who have, and these, instead of describing it as an important place, have told me that it is most unimportant. I have been told that, although it was one of the first places discovered, no mine there has yet paid a dividend.

THE HON. D. K. CONGDON: What about the last crushing—3oz. to the ton?

THE HON. S. H. PARKER: I believe you can get 3oz. to the ton on any part of the fields, but can you get any quantity of tons? We know that stone has been brought from Kimberley which would go 1,000oz. to the ton, but how much of it was there there? As I say, I know nothing about Kanowna, but one of the leading residents of Coolgardie told me that it was perfectly ridiculous to build a railway there. We have not been told how many mines are there, how many men are working, what the township is like, or anything about it, and yet we are asked to build this line. The Hon. Mr. Dempster has told us that it is cheaper to build railways than roads. That may be so, but there is no necessity to build even roads if they are not required. I have heard that in that part of the country the soil forms a natural road, and that bicycles are able to travel in all directions on the camel pads. And we all know that a bicycle cannot travel except on a good road. My information is that there is absolutely nothing whatever to justify the construction of this line. It may be in the future that Kanowna will turn out to be a splendid gold mining district; but we should wait until there is something to justify this expenditure. It is true that we have passed £20,000 or £30,000 in the Loan Bill for this railway; but if we throw this Bill out, the Government need not raise the money. The gold mining industry is very much

depressed just now, and the outlying districts will feel the pinch more than Kalgoorlie or Coolgardie; and in these circumstances I think it behoves us to at least wait until next year before assenting to this Bill.

THE HON. H. J. SAUNDERS: I did not intend to make any remarks on this Bill, but my hon. friend seems to know so little about Kanowna that it may be as well if I give him a little information. There is a mine there called the White Feather Reward, which the company I represent bought, and for the information of hon. members I may say that between £50,000 and £60,000 have already been expended upon it, and there have been continual crushings, averaging over two ounces to the ton, for the past 12 months.

THE HON. F. T. CROWDER: Have they paid a dividend?

THE HON. H. J. SAUNDERS: They have not.

THE HON. F. T. CROWDER: And they never will.

THE HON. H. J. SAUNDERS: The shareholders are so satisfied with the mine that, instead of paying dividends, they are erecting another ten head of stampers, and I am glad to inform hon. members that these will be up and crushing at the end of this month. This will enable the mine to be placed on the dividend-paying list before very long. What is complained of is that there are a number of mines which are unable at the present moment to erect batteries owing to the want of railway facilities, and in three or four cases I believe they will not be erected if the line stops at Kalgoorlie.

THE HON. F. T. CROWDER: They are very sensible.

THE HON. H. J. SAUNDERS: Perhaps the hon. member considers he is the only sensible man in the colony. I do not know as much as the hon. member on every Bill that comes before the House, but on this occasion I am talking of something which I know about. Had I known there would have been any opposition to this line, I could have brought some facts and figures concerning other mines which are working in the district. I hope and trust, however, in the present state of the market, that this House will be careful as to what is

done in respect to the mining industry of the colony. We admit that we desire to have English capital, and we know that if we had not had it both Perth and Fremantle would be in the same position they were in ten years ago. Do not let us kill the goose that lays the golden egg. Do not let us take any step which will stop the inflow of British capital. If we do we shall send this colony back. I hope some of the speeches which have been made in this House will not be reported in the British press. If they are they will do a great deal of harm. Probably I know the reason why the Hon. Mr. Crowder wishes to throw out this Bill. If he is to have his way, the line to Menzies, as he wants it *via* Southern Cross, will cost so much more that he thinks this amount will go towards it. I shall support the Bill as it stands.

**THE MINISTER FOR MINES** (Hon. E. H. Wittenoom): I am pleased to hear that the view of the Government is so amply borne out by those who have the knowledge of this particular district. I think, perhaps, the Hon. Mr. Parker was correct in asking for a little more information, and I will give a few more particulars. The population is something like 2,000, if not more. There are four or five good hotels with large dining-rooms. There is a warden's court and an office, and a school with an average attendance of about 30, and I may say that we shortly intend to enlarge it. I cannot remember the names of the mines I visited when I was there, but in the neighbourhood of the town there is the White Feather Reward, the Robinson mine, and all the cement claims, which, with cheap water and cheap transit, can be worked. The Bissenberger mines are putting up excellent machinery. Within five or six miles of the town there are the Gordon mines; and I may say that Kanowna is one of the best laid out townsites, and one of the most progressive places we have in the colony. There is no question whatever but that the railway will pay. I hope hon. members will pass the Bill.

Question, that the words proposed to be struck out stand part of the question, put and passed.

Bill read a second time.

#### IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and the report adopted.

#### PERTH RACECOURSE RAILWAY BILL.

##### SECOND READING.

**THE MINISTER FOR MINES** (Hon. E. H. Wittenoom): There is an old and familiar expression that all work and no play makes Jack a dull boy. The reason I preface my remarks in this way is that this Bill is not brought in to authorise the construction of a railway for the development of any industry, but for the purposes of pleasure. It is a Bill to authorise the building of a railway to the Perth racecourse. The route will be along the Guildford line, thence across the river, and terminate at the back of the grandstand. It was proposed at first that the line should cross over the bridge which is constructed for the South-Western Railway, but it was found that the cost would be much more than by the method now proposed. The estimated cost is £5,300. This sum will take a revenue of £300 per year to make it pay 6 per cent. interest outside the working expenses, and I do not think we need have any fear but that considerably more than this will be realised, if we are to judge by the fact that on the last holiday 22,000 were carried on the railways.

**THE HON. F. M. STONE**: The interest is guaranteed, is it not?

**THE MINISTER FOR MINES** (Hon. E. H. Wittenoom): I find it is not. There was a proposal to guarantee the interest if the line were taken in another direction, but the Government found it would cost so much more for construction that they determined to decline the offer.

**THE HON. F. T. CROWDER**: £5,300 is for the railway. What will the land cost?

**THE MINISTER FOR MINES** (Hon. E. H. Wittenoom): The land will cost nothing. The Government have the right to resume one-twentieth of the grant if they require any land.

**THE HON. F. T. CROWDER**: Is not £5,300 a large expenditure for two miles of railway?

**THE HON. S. H. PARKER**: There is a bridge as well.

Question put and passed.  
Bill read a second time.

## IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and the report adopted.

## WIDTH OF TIRES ACT, 1895, AMENDMENT BILL.

## SECOND READING.

**THE HON. R. S. HAYNES:** I beg to formally move the second reading of this Bill. The object of it is to postpone the coming into operation of the Width of Tires Act of last year. There is an objection to the Act on the part of farmers to its coming into operation at once, because it will involve them in great expense in procuring new tires for their carts and drays. I may say that I was specially requested to bring in a Bill of this sort, and I am glad now to have the opportunity of introducing it to hon. members, although it originated in another place. I move that the Bill be now read a second time.

**THE HON. C. E. DEMPSTER:** I know that it would be a great hardship on many if the Act were allowed to come into force at once, and, therefore, I shall support this Bill.

**THE HON. R. G. BURGESS:** This Bill was introduced in another place by an hon. member on behalf of the farmers of the Eastern districts. It has been found that the present Act will not allow time for the present wagons to be worn out, and unless we extend the time a number of wagons will have to be thrown away. The whole of the agricultural districts of the colony are in favour of the amendment provided by this Bill.

**THE HON. F. T. CROWDER:** I move as an amendment, that this Bill be read a second time this day six months. At the last session we passed an Act which provided that after a given date no vehicle should be used unless it had tires of a certain width, and it was passed in consequence of the manner in which the roads of the colony were being cut up owing to people using vehicles with tires like razors. I do not think we should now go back on what we have passed, and I cannot understand the

hon. member for Beverley, in another place, who originally introduced the principal Act at the instance of the Bureau of Agriculture, going back and nullifying the effects of his action. Of course, I understand he is simply doing it to please his constituents. We know that thousands of pounds have had to be spent on the roads simply through these narrow tires, and I do not think we should extend the Act for one moment longer than we can help.

**THE HON. J. E. RICHARDSON:** I feel constrained to second the amendment in the interests of the municipalities and the road boards. These bodies are spending large amounts on the upkeep of the roads, almost solely through the narrow tires which are used. I have seen as much as four tons on the narrow-tired, low-wheeled lorries in Perth, and the harm they do to roads is incalculable. If the operation of the Act is further postponed for two years, it will do a great deal of harm to the municipalities.

**THE HON. D. K. CONGDON:** I rise with pleasure to support the amendment of the Hon. Mr. Crowder. It was recognised when the Act was passed that it would be a great boon to the municipalities, and I do not think that we should do anything which would postpone the time when they can get the roads into order.

**THE HON. F. M. STONE:** I intend to support the rejection of this Bill, but I may throw out the suggestion that if it does not suit certain districts another Bill may be introduced, providing that it shall be left to the Governor in Council to determine whether a district shall come within the Act or not. There may be districts where it is not desirable that the Act should come into force at once, but I do not think we should pass this Bill and so prevent the municipalities from getting their roads in order.

Question, that the words proposed to be struck out stand part of the question, put.

The House divided with the following result:—

Ayes	...	...	...	4
Noes	...	...	...	10
				—
Majority against				6

AYES.  
The Hon. R. G. Burges  
The Hon. C. E. Dempster  
The Hon. J. McKay  
The Hon. R. S. Haynes  
(Teller).

NOES.  
The Hon. W. Alexander  
The Hon. H. Briggs  
The Hon. D. K. Congdon  
The Hon. J. W. Hackett  
The Hon. A. B. Kidson  
The Hon. S. H. Parker  
The Hon. J. E. Richardson  
The Hon. W. Spencer  
The Hon. F. M. Stone  
The Hon. F. T. Crowder  
(Teller).

Question put and negatived.

Question, that the words proposed to be inserted be inserted, put and passed.

Bill laid aside.

#### ABORIGINES PROTECTION BOARD.

Consideration of the following Message from the Legislative Assembly:—

##### MESSAGE NO. 57.

"1. That, in the opinion of the Legislative Assembly, the continued reservation of assent by the Crown to the Constitution Act Amendment Bill relating to the abolition of the Aborigines Protection Board, unanimously passed by the Legislature, is subversive of the rights of the people of this colony, and is not calculated to inspire confidence in the Imperial recognition of the principle of colonial self-government.

"2. That the welfare and relief of the aborigines will be best conserved under a sub-department of State, under the control of a responsible Minister of the Crown, with a statutory provision for the appropriation of a sum of £5,000 per annum for the use of the Department; such sum to be supplemented as necessary by annual votes, in the discretion of the Legislature."

##### IN COMMITTEE.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Before I move any resolution, I desire to say one or two words about this matter. The resolution which has been received from the Legislative Assembly deals with a question of considerable interest to the community. Hon. members will remember that when this colony had conferred upon it the rights of responsible government, one of the conditions imposed was that the Imperial Government should retain control of the aborigines. The people of the colony were anxious to obtain responsible government, and, finding that they could not dictate their own

terms, they agreed to the conditions which were imposed, and they permitted the control of the natives to be vested in a board, which board was to be supplied with funds from the revenues of the colony to the extent of 1 per cent. provided that at no time was the amount to be less than £5,000. The residents of the colony since then have chafed under this condition, and they have resented the idea that they are incapable of taking charge of the natives, and for some time past they have striven to have the control vested in the Government of the colony. Recently some correspondence was laid before hon. members which was discussed, and during the debate the fact that some of it was written was deplored. Many speeches were made, when it was pointed out that if the state of affairs as set out in the correspondence did exist it reflected very much upon the Aborigines Protection Board. Since then the matter has been taken into consideration by the Governor. A motion was, however, tabled by a private member of the Legislative Assembly to which the Government moved an amendment, and I think it would have been better had the proposal of the Government been accepted. The other House, however, thought something stronger was necessary, and the resolution which is now before the House was agreed to. I think I might challenge anyone to show that the Government is not capable of taking care of the aborigines, and I may say further that, had it not been for the machinery of the Government, the board all along would have been quite powerless. Before proceeding further, I move that the words "Legislative Council" be inserted in the blank of the first paragraph.

Question put and passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I now move that this House concurs with the Legislative Assembly in the said memorial.

THE HON. S. H. PARKER: I regret I cannot concur in this memorial as it is worded. There are only a few words I object to, but I shall be able to show that, if we pass the resolution, as it stands, we shall make ourselves appear ridiculous in the eyes of the Home Government. Hon. members are aware that the Constitution Bill came before the old Legislative Council on two occa-

sions. It had been prepared by the Home Government, and it came before the Legislative Council in 1888, when the second reading was passed. In 1889 it was again passed and transmitted to England, and by virtue of the Enabling Act became the law of this country. When the Bill was being discussed, we were informed by despatch that there were three principles which the Home Government (not the Secretary of State, but the Cabinet) insisted upon. One was that the colony should be divided for the purposes of the land regulations at about parallel 26; the next was that there should be two Houses, and that the Upper House should be nominated; and the third was that the natives of the colony should be placed under the control of an independent board. After considering these points during two separate years, the Legislative Council accepted all three principles and passed the Bill. It is obvious, therefore, that to pass a resolution like this, which says that, in the opinion of Parliament, the continued reservation of the amendment to the Constitution Act is subversive to the rights of the people of the colony, is ridiculous. How can it be subversive when we agreed to the condition in the Constitution Act? It was a bargain made that the natives should be placed under the control of an independent board. Therefore, to forward a resolution like this to the Colonial Office would make us ridiculous in the eyes of the officials there, who know all about the subject. Again, there is no object to be gained in attempting to intimidate the Imperial Government. We shall not gain our end by strong language, or by representing what is not a fact. If we use courteous language, we shall more probably gain the end we desire than if we allow a resolution, which uses strong words and does not state what is a fact, to go forth. I quite agree that the time has arrived when this board should cease to exist. We have seen only recently how unwise it is that the Governor should be placed in a position where he is liable to be attacked by the Parliament of the country. We have seen how unwise it is that he should be placed in a position where he must act independently of the advice of his Ministers, where his acts

can be called into question by members of the Legislature, and where probably his action may cause him to come into disagreement with his Ministers. Although the Aborigines' Protection Board may use their best endeavours to protect the natives against wrong, yet, in the absence of any executive or police, they can do very little, and I know from my own experience, when in office, that, had it not been for the machinery of the Government, the board could have rendered but little aid to the natives. I have said that the existence of this board is consequent upon an arrangement with the Imperial Government, and if we pass this resolution not only will Parliament appear ridiculous, but it seems to me that some of Her Majesty's Ministers in this colony will also be placed in a very awkward position. When the Constitution Act was before the old Legislative Council, three of the members of the present Ministry supported this clause. I am going to quote a few words which were uttered by the gentlemen I have referred to, so that hon. members will see that, when I state we shall not only make ourselves appear ridiculous, but shall also cause some members of the Government to appear ridiculous, if we pass this resolution, I am stating what is the fact. In 1888, when the Bill came before the Legislative Council, particular and especial exception was taken to the Upper House being nominated. In the course of the debate, the gentleman who occupies and administers in an admirable manner the Crown Lands Department stated, with respect to the 70th clause of the Constitution Bill, which is the one now in question, as follows:—"There is another principle involved in this Bill with regard to which I wish to make a few remarks, as the representative of a Northern district, and that is the portion of the Bill referring to the money vote for natives. I am quite prepared to accept this proposal as regards the management of the aboriginal population, and yield to the Secretary of State upon that point. I believe, if this native business is left to the control of a board such as the present board, it will be under the control of a very good body of men; but there is one point I certainly disagree with in this Bill, and



"that is the clause which requires that £5,000 a year shall be paid out of the revenue for native purposes, and which provides that, as the population of the colony increases (the white population) and the revenue increases, this vote for the natives shall increase proportionately. That appears to me to be altogether a mistake, for we may take it that, as time advances and the white population increases, as we hope it may, the native population will decrease; and this arrangement appears to me 'putting the cart before the horse.'"

Therefore, the present Commissioner for Crown Lands was in accord with the principle. Then the hon. gentleman who adorns the position of Attorney General expressed a like opinion, and I will quote his words. He said:—"I cannot help thinking there is a great deal of sentiment and nothing else in connection with this question. If we can get rid of the natives into other hands and their management, as far as I am concerned, if I am to take any part in political life in this colony, I shall feel very much relieved." I cannot but think myself that the members of both Houses would probably not have taken much exception to this 70th section had it not been that our revenue has so increased that the amount which has to be paid to the board is now out of all proportion to what is required, and is a drain upon the revenue which is quite unnecessary. When the Bill again came before the old Legislative Council in 1889, the 70th clause was further discussed, and on that occasion the gentleman who now occupies the distinguished position of Premier used these words:—"He asked members to consider very carefully indeed before adopting this amendment and taking away the very substance of the clause, which was that this board should be independent of Parliamentary control." An amendment had been suggested by myself, to the effect that any unexpended balance should be returned to revenue, and it was on that question that the Premier spoke. He said:—"If the unexpended balance had to be returned to the general revenue, what guarantee had we that anything would be spent at all for native purposes, or, at any rate, anything beyond a nominal sum? One would imagine

"from some hon. members that the Imperial Government had no responsibilities or duties at all towards the native population of her Australian colonies. It was true that no provision for this had been made in the Constitution Act of the other colonies, but it was now acknowledged by Imperial statesmen that a great mistake had been committed in not making this or some other provision in the interest of the aboriginal race. . . . He thought the Home Government, if he might be allowed to say so, was only doing its duty and doing what was right towards the aborigines when it insisted upon some provision being made for their future welfare and protection. He thought there was every necessity for making such a provision, for although the treatment of the natives in this colony as a rule had been a humane treatment, there were exceptions to that rule, and he believed there were many cases of great cruelty towards natives." [MR. RICHARDSON: By the Government?] "No; by individual settlers, pioneer settlers. He had never himself been one who admitted that the natives had been treated with uniform kindness; and he thought it was very desirable that there should be an Aboriginal Protection Board, to watch over their interests, especially on the outskirts of civilisation. As to its being a slur on the colony, he considered it no slur at all, but a very reasonable provision on the part of the Home Government, when handing over this vast territory to us. . . . He was sorry that any opposition had been shown to this clause, as it might lead the Home Government to imagine that we really did intend to act unfairly towards the natives, if we got our own way." On the amendment being put, I find that the hon. gentlemen to whom I have referred were supported by the Hon. Mr. Congdon, who also, apparently, was in accord with the views expressed by the Premier. The House adopted the clause in its entirety, and refused to pass the amendment I have just referred to. Then it was deemed desirable that certain delegates should be sent home. I had the honour of being one of them, and I gave evidence before the

Select Committee of the House of Commons. In answer to inquiries, I stated that this Clause 70 was accepted by the Legislature of this colony as part of the compact with the Imperial Government, and I think I was fully justified in the circumstances in making the statement. It will thus be seen that we made a distinct bargain with the Imperial Government, and it cannot but damage us very much in the eyes of the British Parliament if we pass the words which are contained in this resolution. I therefore move that the words "subversive to the rights of the people, and" be struck out.

**THE HON. D. K. CONGDON:** I am prepared to vote against the amendment. This colony has been labouring under the disadvantages of having this Board for some time, and I think the sooner we take steps to get rid of it the better. I recognise that we agreed to the insertion of the clause in the Constitution Bill, but we were forced into it, so that we might obtain responsible government. I think we should speak with no uncertain voice, otherwise we shall have very little attention paid to us.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I may say I think the amendment is a correct one. I do not see how anything which has been the subject of a bargain can be subversive to the rights of the people. I agree with the Hon. Mr. Parker that if we approach the Imperial Government in the way proposed by the resolution it will not have the slightest effect. There is no question that at the time the Imperial Government were imbued with the idea that the natives were not properly treated, and in the circumstances we all agreed to accept the condition, although we expected that the time would come when it would be got rid of. Since then we have endeavoured to get rid of it, and many communications have passed on the subject. Unfortunately, just as matters looked a little more hopeful, some correspondence has been published which has been laid upon the table, and this may have the effect, perhaps, of making the Imperial authorities less willing to accede to our request than they otherwise might have been. I think we should approach the Home authorities in a proper manner, and, remembering the

condition that we ourselves accepted, it would be wise to adopt the amendment.

Question, that the words proposed be struck out stand part of the question, put and negatived.

Amendment agreed to, resolution reported, and report adopted.

#### GOLDFIELDS ACT, 1895, AMENDMENT BILL.

##### SECOND READING.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** Hon. members will recollect that a few days ago I intimated that the Government would not proceed, owing to the late period of the session, with an amendment to the Goldfields Act. It has been found since, however, that a few amendments are absolutely necessary, and the Attorney General has therefore brought forward this Bill. The real necessity of this Bill is to rectify a few inconsistencies and misprints in the principal Act, but there are also a few improvements. One of these is to allow persons to construct tramways and erect electric wires over leases, subject to the approval of the Minister. Several applications have been made to put down tramways for the purposes of conveying ore or water, and, as the law now stands, the Minister has no power to grant them. It will also be remembered that an application has been made to permit the erection of poles for the purpose of carrying electric wires, and such cannot be granted. This Bill gives the permission, but provides for the due protection of all telephone and telegraph lines. By Clause 7 it is provided that a number of amendments, which are indicated in the schedule, shall be made. Hon. members will see what they are, and I need not indicate them further. I move that the Bill be now read a second time.

##### IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and the report adopted.

#### CHURCH OF ENGLAND SCHOOL LANDS (PRIVATE) BILL.

##### SECOND READING.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** This is a Bill to enable the Church of England to sell two allotments—Perth Lots H7 and H1—

which are vested in them, and to spend the money so obtained in building. The Hon. Mr. Hackett, who knows all about the matter, will, I feel sure, be glad to supply any information hon. members may desire. I move that the Bill be now read a second time.

THE HON. J. W. HACKETT: These allotments were given by the late Bishop Hale to the church for the purpose of establishing a boys' school. The school was established, and succeeded for a while. After a time, however, it languished, and ultimately fell to the ground, and for two reasons. The first of them was that the land was not sufficient to provide a suitable playground, which is an essential matter in connection with any school. The second reason was that no endowment was provided. Subsequently, an attempt was made to establish a girls' school. After a time this also fell through, and it left a considerable debt behind. The trustees now believe they can see their way to dispose of the land, which has become very valuable, and apply the proceeds as an endowment towards the object that was first intended, namely, the establishment of a boys' school. It is expected that the sum which will be realised will be quite sufficient for this purpose, and will also enable the trustees to pay off the debt which is now outstanding, and which amounts to about £1,760. I hope the House will pass the Bill, inasmuch as nothing but good can from it.

Question put and passed.

Bill read a second time.

#### IN COMMITTEE.

The Bill was then considered in committee, agreed to without amendment, reported, and report adopted.

#### THIRD READING.

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

#### ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the House, at its rising adjourn until Monday, October 26, at 7-30 o'clock, p.m.

THE HON. S. H. PARKER: Some explanation is due from me, I think, for the manner in which the business was reported yesterday. The hon. the Minister has now come down in a most handsome

manner, and has laid on the table the Loan Estimates. I am glad to find that the hon. gentleman has an admirable trait in his character of acknowledging when he is wrong. He has now laid the Loan Estimates on the table, and has put off the further consideration of the Appropriation Bill, so that we may consider the Estimates in connection with it. I hope when the Bill comes before us again we shall be able to proceed with it rapidly, and so permit country members to retire to the joys of a rural residence without further delay.

Question put and passed.

The House at 10-30 o'clock, p.m., adjourned accordingly.

## Legislative Assembly,

Friday, 23rd October, 1896.

Miners' Institutes and Conditions of Use—Motion: Checking Invasion of Rabbits—Motion: Proposed Stock Route, Denison Plains to Lake Durlot—Shipping at Busselton and Government Cargoes: motion for Adjournment—Menzies Railway Bill and Route: Legislative Council's Suggestion—Adjournment.

THE SPEAKER took the chair at 4-30 o'clock, p.m.

#### PRAYERS.

#### MINERS' INSTITUTES AND CONDITIONS OF USE.

MR. MORAN, by leave and without notice, said he wished to bring under the notice of the Government a matter which had been reported to him, particularly in connection with the use of the Miners' Institute at Kalgoorlie, very serious inconvenience having been caused to a number of working miners. He understood that this and other institutes on the goldfields were provided by the Government in the same way that agricultural halls were built by the Government at