

Legislative Council,*Thursday, 10th November, 1927.*

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL—HOSPITALS.*Third Reading.*

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.34]: I move, on behalf of the Honorary Minister—

That the Bill be now read a third time.

HON. H. J. YELLAND (East) [4.35]: I thought the Honorary Minister would have recommitted the Bill for the sake of two or three little matters that are out of order. In my opinion it is a great pity the measure was not discussed a little more fully on the second reading. The striking out of two or three clauses has placed the Bill in rather an awkward position. Clause 4 repeals the Hospitals Act of 1894. We have dispensed with Clause 27, and consequently there is no machinery for raising revenue to support hospitals established under the measure. We have also dispensed with Clause 28, thus taking away the only provision made by the Bill for the establishment of hospitals. Therefore it would be unwise for us to allow the measure to go back to another place in its present condition. Indeed, the Bill is practically useless as it stands. I therefore ask the Honorary Minister whether he intends to withdraw the Bill, or else to suspend its progress for the purpose of putting it on a sound basis. If neither of these alternatives is adopted, it would be wise for us to reject the measure rather than allow it, as it stands, to return to the Assembly.

The PRESIDENT: I may point out that it is quite competent for the Bill to be re-committed at this stage.

HON. A. LOVEKIN (Metropolitan) [4.37]: It would be prejudicial to the House to allow the Bill to go back to the Assembly as evidence of the revising powers of this Chamber. Unless we can recommit the Bill and put it into something like workable shape, it ought to go out altogether. I am amazed at the Minister's action, seeing the amendments which have been made in the Bill. I am surprised that he does not take some steps to make it a workable measure. However, as he has failed to do so, I can see no option but to reject the measure. Personally I do not wish to send the Bill back in its present form, and since the Minister has not moved that the Bill be recommitted, I move an amendment—

That the word "now" be struck out, and the words "this day six months" added to the motion.

The HONORARY MINISTER: I wish to ask a question. If I make remarks now, will that close the debate on the third reading, or shall I have an opportunity to recommit the Bill? I am leaving by train straight away. Certainly I have gone into the Bill and taken some advice with regard to it. I have no objection whatever to the recommitment of the measure and its further discussion if that course is thought necessary—

Hon. Sir Edward Wittenoom: We cannot hear a word you say.

The HONORARY MINISTER: I have no objection to the Bill being recommitted, but I want to be sure that the discussion on recommitment will take place next Tuesday.

The PRESIDENT: The amendment must either be disposed of or withdrawn before another amendment can be moved.

Hon. A. LOVEKIN: I did not hear a word the Honorary Minister said. Will you kindly repeat his remarks, Mr. President?

The PRESIDENT: The Honorary Minister asked if it were competent to move that the Bill be recommitted. As there is already an amendment before the Chair, that amendment must either be disposed of or withdrawn before another amendment can be moved.

Hon. A. LOVEKIN: I am glad the Honorary Minister wants to put the Bill in shape. I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

On motion by Hon. J. Cornell, debate adjourned.

BILL—BROOMEHILL LOT 602.

Received from the Assembly, and read a first time.

BILL—STATE CHILDREN ACT AMENDMENT.

Report of Committee adopted.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. J. NICHOLSON (Metropolitan) [4.44]: It was not my intention to speak at any length on the Bill. I purposed in the first place to consider the views that might be expressed in support of the measure, so that I might decide whether the convictions I have formed against it should or should not be modified. I extremely regret, as I am sure every other member does, that Dr. Saw is prevented through illness from being in his place and taking what would certainly have been a leading part in this debate. His knowledge as a medical man, and his wide and varied experience would have been more than helpful to us in coming to a wise decision on this important measure. I had looked forward with a great deal of interest to listening to his views. However, he has very generously handed to me some notes on points that he had purposed touching upon if he had been in his place.

Hon. Sir Edward Wittenoom: Not everybody adopts his views on the milk question.

Hon. J. NICHOLSON: We are not dealing with the milk question now; we are dealing with one very much more serious. I purpose, with the indulgence of the House, to endeavour to follow those notes as closely as possible, so that in this way we may not wholly be deprived of Dr. Saw's views. I realise, however, that by his absence we shall lose a great and valuable force in the discussion, and I ask members to pardon me if I fall short in any way in giving a clear expression to the views Dr. Saw desired to bring up.

Hon. Sir Edward Wittenoom: Are you speaking for Dr. Saw, or for yourself?

Hon. J. NICHOLSON: I am speaking in the first place for myself, and explaining that I purpose to try to give clear expression to Dr. Saw's views also. Before touching upon the main points in the arguments advanced by Dr. Saw, I may say I had already resolved that the time had not yet arrived in this State for the drastic amendments contemplated in the Bill. The Parliament of every country has a very serious and important function to perform in passing laws that will serve wisely to regulate the comfort and life of its people, and also to protect members of the community from wrongs and crimes and mete out just and adequate punishment to malefactors. I have come to the conclusion that the Bill, if passed into law, instead of minimising crime would tend to increase it. The purpose of the Bill is not to expressly abolish capital punishment; but as will be seen by the two main clauses, the result will be to open the door so widely to the raising of various defences that practically capital punishment will be a thing scarcely ever heard of. The amendments proposed in the Bill to Section 653 of the Criminal Code are of very wide and far-reaching character. If we look at the sections in the Code we shall find that the Code itself is at present sufficiently comprehensive for our needs. I would not readily advocate extreme punishment, but I think—and I feel sure there are many other people who think the same—that when crimes of a horrible character are committed the punishment meted out must be adequate. In other words, until the conditions of society change, the punishment must be a fitting one. While certain sections of the Code have been quoted, there is one that has not been dwelt upon sufficiently. I refer to the definition of wilful murder. Section 278 provides that a person who unlawfully kills another, intending to cause his death or that of some other person, is guilty of wilful murder. Then Section 282, which has been referred to, is one that would naturally fall within the scope of this amending Bill. It provides that any person who commits the crime of wilful murder, or murder, is liable to the punishment of death. We know the progress that in the course of a long period of years has been made in having removed from that extreme penalty many offences that were of a minor character. I do not think any member here would suggest that

the extreme penalty should be continued for any crime other than that provided for in the Code. Mr. Kitson has said there are two schools of thought regarding this subject. May I venture to suggest that there are also schools of theorists on this and other subjects. In theory, I quite admit, many arguments may be advanced in favour of the point urged by Mr. Kitson. But I ask, should theory on an important subject such as this override what one might call the practical viewpoint, which presents itself when considering the matter in its full light and free from sentiment. I admit we all have a natural repulsion to pain, and I think one might with advantage read the views of a man who had considerable experience of criminals.

Hon. Sir Edward Wittenoom: Do you think the death penalty worse than misery in this world?

Hon. J. NICHOLSON: I do not know. Some criminals say they would rather have imprisonment for life than the death penalty, but I have had no experience.

Hon. Sir Edward Wittenoom: You may have in time.

Hon. J. NICHOLSON: This is a book, the title of which is "The Criminal." It is written by Basil Thomson, a man of very wide experience. He deals with the two viewpoints, the one in favour of abolition of capital punishment and the other against abolition. This is what he says regarding the arguments against abolition:—

Having said so much in support of the arguments of the abolitionists, I feel bound to admit that there do occur murders which stir the imagination of the public so deeply that there is an enormous universal demand for expiation; murders such as those of Sir Henry Wilson, or of Sir Lee Stack, or cases of peculiar atrocity such as the crimes of Landru. The abolition of capital punishment must be demanded by a majority of the people before it can safely pass into law, and before this comes about a change in public sentiment is necessary. No legislation is wise until enforcement has a majority of the people behind it. This hackneyed principle applies not less to the abolition of capital punishment than to the prohibition of alcohol.

He goes on at some length, but I need not read the whole of the passage. Let me give his concluding sentences. He refers to the case of a criminal named Ronald True, and continues—

Cases such as that of Ronald True seem to make it doubtful whether capital punishment will be abolished during the next two or three

generations. It is not that the Englishman has, as suggested by Mr. Bernard Shaw, sadistic tendencies, but rather that his prevailing characteristic is "horse sense."

That, I think, expresses the views entertained by a very large section of the community. There has been brought before us no evidence to indicate that the majority of public opinion is in favour of any measure such as this. And in any event, until there is some very strong and cogent reason why there should be a change in this particular punishment, I for one cannot share the views of the hon. member who has introduced the Bill.

Hon. G. W. Miles: Is that Dr. Saw's view, too?

Hon. J. NICHOLSON: I am dealing with my own views now. There is another point that occurred to me. I gathered from the arguments in support of the Bill that it was suggested there was a large proportion of people who were subnormal. If that be the case, does it not suggest that every individual should be examined periodically so that we might have records of any subnormality prior to the commission of a crime, rather than we should wait until the crime is committed and then to have presented the conflicting testimony of experts as to whether the accused was mentally deficient or not. On this question of mental deficiency I wish to interpolate one note of Dr. Saw's.

Hon. Sir Edward Wittenoom: Do you believe in all these things yourself?

Hon. J. NICHOLSON: I believe in the remarks to which I am giving expression. If I did not believe them I would not utter them. Dealing with the question of experts we can readily see that under the Bill it would be one of the tactics that would be resorted to for defending counsel to bring forward evidence to prove the mental deficiency of the accused. That would be apparent on the face of it. Every man accused of wilful murder would, according to what has been said in support of the Bill, be regarded more or less as a mental deficient, and undoubtedly arguments would be raised and every possible plea put forward to show that the accused was not responsible for the commission of the crime. We would be confronted then, in every trial, with an array of experts on the side of the accused, and there would require to be another army

of experts to present the opposing view, and in the end I doubt very much but that the judge would be in such a perplexed condition that it would be found difficult ever to secure a conviction. The jury would also find themselves in an equally confused state of mind because there would be presented to them, no doubt with the greatest clearness possible, the views of men who regarded themselves as experts. It has been stated by a writer that modern practice as to expert testimony, places experts in a partizan position, frequently resulting in distinct bias and prejudice on the part of opposing experts. Chief Justice Chapman, of the Massachusetts Supreme Court, on this question says—

Experts can be found to testify to any theory, however absurd.

If we are to pass this Bill we shall find ourselves in that perplexing position referred to by Chief Justice Chapman. Another point I would present is that we have in England a large number of highly trained scientists, skilled in all mental disorders; but I ask, has England adopted such a reform as is contemplated by the Bill? England has not. A certain number of writers, it is true, have expressed views in favour of the abolition of capital punishment. But those are the particular views of the particular writers. It is seldom indeed that one finds people writing to perpetuate such a form of punishment. I think what Mr. Basil Thomson says expresses exactly the views held by the great majority of people in regard to this question. I am of the opinion that reforms of this nature should not be attempted until the fullest investigation has been made by those competent to give an impartial judgment in regard to the problem. It is a highly scientific problem and one not to be determined without the fullest investigation. Without in any way seeking to underrate the value of the quotations made by Mr. Kitson when introducing the Bill, I respectfully suggest that those quotations are not evidence that entitle us to arrive at a wise or proper conclusion on a problem so vital to our national life. These views are shared by Dr. Saw and with the indulgence of the House I will endeavour to express them. Dr. Saw states that he intended to oppose the Bill, and had he been here he would have moved that the word "now" be struck out with a view to inserting

"this day six months." Dr. Saw goes on to point out—

The author of the Bill in another place is a fervent believer in the abolition of capital punishment, and this Bill is an insidious attempt to attain that end. Should it become law he has no doubt that capital punishment will, to a large extent, be abolished. The Bill is modelled very largely on legislation existing in many States of America. The people of the United States have many good qualities, and in some respects lead the world, especially in the application of science to industry. But the United States are the homes of the fanatics, the cranks, the fanatics, and the charlatans who have largely coloured their legislation. Considering that in the matter of crime, especially murder and crimes of violence, the United States of America has the unenviable reputation of leading the world, I think it behoves us to inquire closely before we copy their system of penology. In the matter of crime and how to deal with it, the United States of America is a warning to be avoided, and not an example to be followed.

In this connection I have been asked to quote some reference from an authority on mental disorders. The book is entitled "Mental Disorder and the Criminal Law." Dealing with the position in the United States it is set out in the preface of that book—

That whilst the general population of the United States of the years 1910 to 1922 increased 14.9 per cent., the criminal population increased 18.6 per cent.

That is very significant.

Hon. A. Lovekin: Well, they won the war.

Hon. J. NICHOLSON: So they say.

Hon. Sir Edward Wittenoom: How many did they execute?

Hon. J. NICHOLSON: I will tell the hon. member. I will read on—

The criminal situation in the United States so far as crimes of violence are concerned is worse than in any other civilised country. There were 17 murders in London last year—that would be 1924—and not one of those crimes was unsolved. During the same period New York had 260 murders and obtained three convictions.

That is the reply to the hon. member who interjected—out of 260 murders there were only three convictions.

Hon. Sir Edward Wittenoom: The murderers were very lucky to get off.

Hon. J. NICHOLSON: There they have all sorts of safeguards and reforms to which Mr. Kitson referred and that he would seek to introduce here.

Hon. J. M. Macfarlane: Can you quote the Chicago figures?

Hon. J. NICHOLSON: Chicago has a bad reputation too. The figures I have given, however, are quite sufficient to carry a conviction. The writer goes on—

It is estimated that 7,850 murders were committed in the United States last year. During 1921 there were 137 murders in Chicago. In the same year throughout England and Wales there were 63.

Hon. E. H. Gray: America is the land of prohibition.

Hon. A. Lovekin: If you analyse the figures, you will find that the murders were committed mostly by the polyglot population.

Hon. Sir Edward Wittenoom: What has all this to do with the Bill?

Hon. J. NICHOLSON: If the hon. member will follow me he will see.

The PRESIDENT: I presume the hon. member has raised a point of order. In my opinion Mr. Nicholson's remarks are relevant to the Bill.

Hon. Sir Edward Wittenoom: I did not raise a point of order. I only interjected.

Hon. J. NICHOLSON: I will continue to read Dr. Saw's comments—

Lawlessness accompanied by acts of violence only showed a marked increase in 1890; but the last few years have shown an even more rapid and more serious development. Mr. Lawrence Vieller, an American authority, says:—"In the past 25 years homicide has increased 100 per cent. in the United States. There are twice as many murders as in Italy, four times as many murders as in South Africa or Australia, eight times as many murders as in New Zealand, Spain, Norway, Ireland or England, and eighteen times as many as in Scotland.

Hon. A. Lovekin: You cannot compare them at all.

Hon. J. NICHOLSON: I admit that the countries are different. However, the statement proceeds—

In 1923 there were 42 murders in London with a population of 7,500,000, and in 1921 there were 261 murders in New York with a population of 6,000,000.

Hon. A. Lovekin: That does not cut any ice!

Hon. J. NICHOLSON: It cuts ice in one way. I agree with what Mr. Lovekin says in that there is a very mixed population in New York.

Hon. A. Lovekin: It is a polyglot population.

Hon. J. NICHOLSON: That is true, but at the same time the people of the United States are supposed to possess certain advanced ideas.

Hon. Sir Edward Wittenoom: Are we not supposed to be dealing with the position in Western Australia?

Hon. J. NICHOLSON: I am.

Hon. Sir Edward Wittenoom: So far as I can understand, you are dealing with New York and everywhere else.

Hon. J. NICHOLSON: Dr. Saw's statement continues—

In 1921 there were 137 murders in Chicago. Senator Borah, in 1925, said—"During the last ten years, 85,000 people, from poison, pistol, knife or other unlawful means, have suffered death. Robbery is 36 times as prevalent in New York and a hundred times as prevalent in Chicago, as that form of crime is in London. On account of the decrease in crime, nearly half the prisons in Great Britain have been closed within the last 12 years, and since the end of the war 25 gaols have been devoted to other purposes, but in the United States of America the prisons have become crowded at the very time they were being left empty in England."

That is a very significant position.

Hon. A. Lovekin: If the hon. member had visited New York and Chicago, those figures would not surprise him at all.

Hon. J. NICHOLSON: Perhaps not.

Hon. Sir William Lathlain: But the same law applies to the people.

Hon. J. NICHOLSON: We are entitled to make this comparison, because this class of reformatory legislation is largely drawn from that country and we must necessarily compare the conditions in the United States, which is responsible for leading the way in that direction with those obtaining elsewhere, and I have attempted that comparison. The statement proceeds—

In 1914 there were 792 prisoners in the Atlanta penitentiary, whereas in 1923 there were 3,325 prisoners. The robberies are so audacious that the United States Government has ordered 3,000 specially designed armoured cars for its mail service. This is not due to the United States being a new country, for Canada is a new country. In the States during the ten-year period from 1911 to 1921, the average number of homicides was 7.2 per 100,000 of the population, whereas in Canada during the same period it was .05 per 100,000.

Hon. A. Lovekin: That about sets out the proportion to be expected in respect of the two countries.

Hon. J. NICHOLSON: Perhaps so. However, to continue—

What is the cause of this remarkable state of affairs? It is to be found in the remarks of Judge Kavanagh who, for nearly 30 years, sat on the bench of the Supreme Court. He said, "If a man deliberates whether he shall

kill another, he knows that the chances are three to one that he will never be arrested, 12 to one that he will never be convicted, and over 100 to one that he will not die for his crime." This is the reason. He thinks he will never be punished for his crime and so crime flourishes. And yet there are people who maintain that punishment and the infliction of the death penalty does not act as a deterrent.

As to France, in the early days of the present century the death penalty was practically, though not legally, abolished and for some years the guillotine was never used. But as the criminal class began to understand that they ran no risk of losing their own lives, the number of murders increased.

The fact that there are fewer murders committed in the whole of England and Wales than in the City of New York is because in England murderers are promptly tried and, if convicted, usually promptly hanged. This refutes the theory that the fear of death has failed signally as a deterrent of murder, but the chances in the United States of America are over 100 to one against any murderer being executed for his crime. The notorious case of Loeb and Leopold in Illinois, U.S.A., is interesting, because it is one of the cases that would come within the scope of the Bill now before the Council. These were two young men, 18 and 19 years of age respectively, sons of wealthy parents, who kidnapped and murdered a young fellow schoolboy named Franks, who was 14 years old. As the public feeling was so aroused over this case and counsel thought a jury would be susceptible to public opinion, counsel very cleverly avoided having a jury by pleading guilty, and then got the case taken before a judge to try the issue that the prisoners were suffering from a diseased discrepancy between the intellect and the emotions—

That was the issue that was raised.

—Days were spent by the defence adducing evidence for the purpose of showing mitigating circumstances, justifying something less than the extreme penalty. Hours were taken up in technical evidence regarding the ductless glands of one of the prisoners, based upon the theory that as the result of his condition he was suffering from "a diseased discrepancy between the intellect and the emotions."

That is what Mr. Kitson would enable prisoners to do if we agreed to the Bill. That is the sort of defence that would be put up in murder cases. However, to proceed—

The judge decided that although the evidence showed the prisoners to be abnormal, yet a similar analysis of other accused persons would probably expose some abnormalities. He concluded that the crime was one of singular atrocity executed with every feature of callousness and cruelty. The sentence was life imprisonment for murder, and 99 years imprisonment for kidnapping. The judge said he was moved in not inflicting the death penalty chiefly by the age of the murderers. In Illinois the Department of Public Welfare can later interfere and free prisoners on parole. The trial judge urged the department never to

exercise the power in favour of Loeb and Leopold.

As a matter of fact, there is a law in some of the States of America that has enabled prisoners to be freed after a very few years, although they were sentenced to imprisonment for life. Dr. Saw's statement proceeds—

Now let us examine the clauses in the Bill before the House. In the first place hon. members will note that the Bill alters the present custom with reference to murder and insanity, for insanity is a "mental disease" and so comes within the scope of the Bill. I understand that the present law is that if it is desired to raise the question of insanity the prisoner, through his counsel, has to plead that the prisoner was insane when he committed the offence and has to call evidence to that effect. The Crown then has the right to have the prisoner examined by an alienist and to call evidence in rebuttal if it is considered the prisoner is not insane. If the prisoner is found guilty but insane, then he is confined in a mental hospital during His Majesty's pleasure. But the Bill will allow a prisoner after he has been found guilty of the offence of murder, to raise before the court the issue as to whether he is insane. If the court finds he is, or if a further appeal to the court of criminal appeal results in a decision that he is insane, then the accused will be imprisoned for life. Again, the Bill provides for the mental defective who is unable to form a rational judgment as to the moral quality of the act of murder. This, of course, involves the testing of the prisoner to see whether he is mentally defective. Now, what is meant by a "mental defective"? Does it mean any person who is below average intelligence? Is the word "intelligence" to be used in its ordinary sense, or is it to be used in the restricted meaning given to it by the psychologist? As used by him, intelligence is defined as "the ability to adapt himself to relatively new situations." Note the difference, for it is important. It does not include the amount of knowledge a person may possess. During the course of this debate we have heard statements about the criminal who has the intelligence of a boy of ten or 12 years of age. This does not mean that such a criminal has merely the knowledge and judgment of a boy of 10 or 12, but that his ability to adapt himself to relatively new conditions, as revealed by certain tests which the psychologist uses, is only equal to that of a boy of 10 or 12. Let us examine the nature of the tests that the psychologist uses. Take, for instance, that used for the boy of 10 in which is known as the 1911 scale. This is the sort of test that is applied to such a lad:—

1. Arrange five boxes in order of weight.
2. Copy two designs from memory.
3. Criticise absurd statements.
4. Test comprehension of difficult commonsense quotations.
5. Use three words in two sentences.

From what I have read, hon. members will see what type of test is used to determine the mental capacity of such a person.

Hon. Sir Edward Wittenoom: Is that test submitted to a man after he has killed someone?

Hon. J. NICHOLSON: Yes. Then again, we have this in Dr. Saw's statement—

We can take the De Sauch's scale, which is used as a test of various grades of mental deficiency. This is the sort of test that is applied. The person applying the test says to the individual being tested, "Give me a ball." Five balls have been placed on the table, and they are of different colours. The tester then turns round and asks the individual, "Which is the ball you gave me?"

I might explain that the object of that test is to see how far the memory of the person tested will go. It is sought by that means to demonstrate just how far his memory will assist in recollecting such a simple thing as that. Another test is to address the person thus—

Do you see this block of wood? Pick out all the blocks like it from the pile on the table.

That seems a very simple test and hardly one that we should expect to be applied to determine whether a man was mentally deficient. Other tests are—

Do you see this block (a cube)? Point out a figure on the form chart that looks like it. Spread out the blocks on the table. How many blocks are there? Which is the largest? Which is the farthest away? These are a fair sample of the tests the psychologist uses to determine mental age or mental deficiency. It will be noted that for their success it is necessary to have the willing co-operation of the person tested. Now, when a man has been convicted of murder and knows that his prospect of success in saving his neck depends on his convincing the psychologist that he is of low mentality, is he likely willingly to co-operate in the test? Furthermore, the tests are published in various books.

Hon. G. W. Miles: Cannot we take all that as read?

Hon. J. NICHOLSON: Dr. Saw desired me to place his views before members and I am endeavouring to carry out that humble duty. I think we are indebted to Dr. Saw for having taken pains to go so thoroughly into the question. I regret that Mr. Miles should have made such an interjection.

Hon. G. W. Miles: I think you are labouring it a lot, and that it could be cut down.

Hon. Sir Edward Wittenoom: I think you are saying it well.

Hon. J. NICHOLSON: I am endeavouring to present Dr. Saw's views as fully and explicitly as possible. If Mr. Miles thinks

he can do it better. I shall be glad to hand the notes to him. The notes continue—

These tests are published in various books, and no doubt the tests usually employed will become common knowledge in the criminal world. In any event, what an opportunity for enterprising counsel to coach his client so as to enable him to deceive the psychologist.

Hon. H. Seddon: No doubt it would be done too.

Hon. J. NICHOLSON: I am satisfied it would be done.

Hon. Sir Edward Wittenoom: Is there much more to be read?

Hon. J. NICHOLSON: Not much more—

The difficulties of the surgeon when examining a claimant for compensation are sometimes pretty considerable, but they would pale before those of the psychologist in testing a murderer intent on saving his neck. Who are to be regarded as mentally deficient and not capable of forming a rational judgment as to the moral quality of murder? Is it anyone who may be classified by the psychologist as being below the normal average intelligence? The United States army tests on over 1,700,000 men selected for military service under conscription showed that 45 per cent. of them would be classed as below the average intelligence. Is it to be restricted to the more marked cases of mental deficiency? Such cases are usually confined in institutions, and others not so low in the scale of mentality become vagrants, but it is not from these that the type of murderer is drawn. It is a debatable point whether the type who commit murder are any less intelligent than the mass of the people. Dix, who applied the army alpha tests to 839 prisoners in the New Jersey State prison and compared them with the results obtained from the white recruits in the United States army camp at Camp Dix, says:—"The mental condition of the prisoners as a whole corresponds very closely to the average intelligence of adult males of the State as a whole." Dealing with defective mentality and delinquency Putner, Professor of Education in the Teachers' College, Columbia, and author of a well-known recent work on intelligence testing, says:—"From a belief in a very large percentage of defective mentality amongst delinquents, we have come to believe that the percentage is only about 10.15 with some workers, intimating that it may not differ from the percentage of feeble-mindedness found in the general population."

Hon. Sir Edward Wittenoom: There is a Standing Order against reading a speech.

Hon. J. NICHOLSON: The same authority adds—

"Burglary, larceny, thieving and the like are represented by all grades of intelligence, and this is also the case with homicide." The Bill also includes the psychopath, one who, because of mental infirmity, is said to be morally irresponsible. Now a psychopath is an individ-

ual who suffers from volitional disturbances or defects of character, and he may or may not be of inferior intelligence. In the main we are all the product of the forces of heredity and environment, and no doubt the majority of us are in some degree not normal; but it is usually held that we have the gift of free-will, and that we are accordingly responsible for our actions. Possibly, as the French say, "To know all is to forgive all," but we are not gifted with omniscience, and the safer guide for the legislator is to assume that a person who can discriminate between right and wrong, between good and evil, has the power of choice and so is responsible for his actions. I would like the psychologist to tell us at what precise degree of mental deficiency a person is unable to form a rational judgment of the moral quality of murder. If this Bill becomes law, it will be claimed that every murderer has some mental disease or infirmity, and if he has a long enough purse, he will have a trial before judge and jury for the act of murder, then an appeal to the Court of Criminal Appeal on the point of guilt, then a trial of his mentality before a judge, and a further appeal on the question of mentality before the Court of Criminal Appeal. We shall have as many opportunities for delaying just punishment as there are in America, and with the same disastrous results. I maintain that the present custom operates fairly towards the prisoner. After he is convicted of the crime, the case is considered by the Minister for Justice and the Cabinet. The evidence is reviewed, a report from the presiding judge is obtained, and any recommendation to mercy from the jury is considered. The Minister for Justice can have the state of the prisoner's mind inquired into by an alienist. Thereupon Cabinet, with a full sense of responsibility, determine whether the extreme penalty shall be inflicted. The Bill is an insidious attempt to do away with capital punishment. Note the wide net that is spread, "incapable by reason of mental disease or deficiency of forming a rational judgment as to the moral quality of the act which he was committing," and there is a direction to the court that in determining this, the court may take into consideration the mental history of parents and grandparents, and that the motive of the crime was of an irrational or trivial nature, or that there was no motive. What was the motive in the Auburn case? Was there no motive, or was it a trivial one? The murder was a diabolical one, cunningly planned. The only motive revealed was a trivial one that Auburn wished to obtain a car to take his fiancée and her sister for a trip in the country. But there may have been another motive, namely, to obtain possession of a valuable car and sell it, after disposing of the murdered man's body. Is it a safe thing to assume that, because the motive is not apparent, there is no motive? Why do many of us advocate the retention of capital punishment for those cases of murder which show no extenuating circumstances? It is not from motives of revenge, although when one reads of some of the cruel, crafty cases of murder, deliberately planned and carried out with diabolical cunning, it would be pardonable if motives of revenge influenced our decision. The main reason for the retention of the extreme

penalty is a preventive one; it acts as a deterrent and thereby fewer murders are committed. I can never understand the argument of those who maintain that the knowledge that hanging will follow does not act as a deterrent in those cases where murder is contemplated. In the case of the man who murders from motives of jealousy or sudden passion there is probably some truth in the contention that he has not weighed the penalty, though even in those cases it must often give a man pause when he knows the penalty for his crime is hanging. I am positive that if the extreme penalty were abolished there would be a great increase in the number of murders. I have already alluded to the experience of France. Although capital punishment was never abolished, it became obsolete and was not enforced for some years. Then, the number of murders increased so greatly that the French returned to the use of the guillotine. The case of the United States of America is instructive. There the chance of a murderer paying the extreme penalty is so remote—one in a hundred murders—that it may be regarded as negligible, and the United States have the unenviable record of having eight times as many murders as there are in England, proportionate to population. Has not flogging been a deterrent to crimes of violence and garotting? Dr. Mercier says that when garotting became prevalent in England it was stopped in a few months by resorting to flogging as a punishment. By all means do away with capital punishment when it is safe to do so, but I prefer to wait until messieurs the murderers set the example. It is no argument to say that because the infliction of capital punishment does not absolutely deter, it therefore has no deterrent effect. One might as well reason that because a certain percentage of patients die of typhoid fever in spite of skilled medical care and good nursing, therefore medical care and nursing are of no value in the treatment of typhoid fever. On the contrary, we know that such care and nursing save many lives. One might as well argue that punishment of any kind does not act as a deterrent. If that is so, why does the most loving parent inflict punishment on the child who transgresses? It is certainly not for revenge; it is because the parent knows that if the child is not corrected and punished, he will grow up ill-disciplined and uncontrollable. So we rightly put the crime of murder on a different plane from all other crimes. We say, "If you commit murder, you shall be hanged," although I grant that where the murder is not premeditated, the murderer is probably reprieved. Further, there is an ignominy associated with hanging that further separates the crime of murder from other crimes and puts it in a class by itself so that we are taught to abhor it. The arguments for the Bill are the product of sloppy sentimentality and loose thinking.

That concludes Dr. Saw's views.

HON. SIR EDWARD WITTENOOM (North) [5.43]: We have listened with a great deal of interest to the eloquent remarks that have fallen from Mr. Nicholson. Whether they emanated from his own brain

or whether they have been suggested to him, I cannot say. They dealt with all sorts of places as far remote as New York and London, but so far as I can understand we are dealing with Western Australia. I am not quite certain whether Mr. Nicholson favours or opposes the Bill. Might I ask him to enlighten me? I am strongly opposed to it. I am only going to read what is in the Bill itself, for that should be sufficient to convince any reasonable person that he should not vote for it. The Bill says—

If a jury find any person guilty of murder or wilful murder, but are of opinion that he was, at the time when he was committing the crime, incapable, by reason of mental disease or deficiency, of forming a rational judgment as to the moral quality of the act which he was committing, they may add to their verdict a statement to that effect, and such a person shall, in that case, not be liable to the punishment of death; but he shall be liable to imprisonment with hard labour for life.

That is an extraordinary state of affairs. Almost every man would be able to get off after committing one of those crimes. If persons such as those it is intended to cover by the Bill are brought to book, is it wise that they should be allowed to go on living? Some Labour Government or National Government or United Party Government might, after one of those persons had served 10 years' imprisonment, release him and he would then come out of prison and kill someone else. Such an individual should suffer the penalty for what he has done. Why should the public have to keep a man who has done all these dreadful things? We have heard Mr. Nicholson trying to excuse such persons by reference to the United States and to England and other places. That hon. member has afforded every possible excuse for such persons being allowed to live. In my opinion they should be executed at once so that they will no longer be a nuisance to the community. There are, however, cases of justifiable homicide. A man may kill another in self-defence, or may murder another in a fit of impulse.

Hon. A. Lovekin: Then there is the unwritten law.

Hon. Sir EDWARD WITTENOOM: I am not talking about unwritten laws. One man may strike another on the nose and the injured party may strike his assailant in the face and kill him. That would be murder by impulse, and the murderer should not be hanged. It would be justifiable homicide, which is all right.

All these other things that are set out in the Bill are so much nonsense. I say without hesitation that the man who is convicted of the crime of murder or wilful murder should go where the wicked cease from troubling and the weary are at rest. At any rate I am going to vote against the second reading of this Bill.

On motion by Hon. G. Potter, debate adjourned.

BILL—RAILWAYS DISCONTINUANCE.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [5.50]: I wish to say a few words about this Bill, because I think it fittingly illustrates the logical outcome of the policy that has been pursued in this State for a considerable time. I cannot but express my surprise at the Bill being brought down by the present Government. The Government were returned on a policy that involved resuscitating the gold mining industry and doing their best for it. Had they carried out that policy they would not have been faced with the problem of removing these particular railway lines. Owing to the decline of the industry during the last few years, one must agree that the present position of the goldfields lines in question does, to a certain extent, justify the action of the Government. My contention, however, is that had their policy been pursued in such a way as to revive the gold mining industry, or had it been given a chance to overcome certain economic factors operating against it, these circumstances would not have arisen. We have been reminded that the matter was brought up four years ago. On that occasion a protest was made by the local governing bodies and others against the removal of the Kanowna railway. As Mr. Cornell pointed out yesterday, some of the most strenuous opposition came from those who are now members of the present Government. As a result of this opposition the railway was undisturbed for four years. Nothing, however, was done to stem the tide of rising costs with which the industry was confronted. One may say, that one of the most serious factors operating against the interests of the industry was the manner in which the Third Schedule of the Workers' Compensation Act was applied by the Government, and the manner in which

it increased costs to mines that were already in a desperate position. I do not wish to be unfair in my criticism. I recognise that the present Minister for Mines is most anxious to assist mining, and those syndicates and companies that are operating within the State. At the same time I contend that he has followed stereotyped routine, when he might well have adopted, when the circumstances demanded, shall I say, heroic measures to deal with a desperate situation. That is where I consider the present Administration have failed in meeting the conditions found in the industry, particularly in view of the fact that they have had money available that could have been applied in the direction of restoring the conditions that formerly existed. Three railways are referred to in this Bill. Members representing the South-West have already dealt with the Bunbury line. The Kanowna and White Hope lines are purely goldfields railways. It is recognised by all who have studied the geological information that has been tabulated by Government officials that ore bodies exist in the district of Kanowna that would justify development and expenditure. Large sums of money have been expended in the district served by the White Hope line. Unfortunately, these sums were laid out under conditions that did not provide for the best development of the mining industry. I would refer to the experience gained during the Hampton Plains boom. On that occasion numberless companies were floated. The money was subscribed, but in almost every case the companies were floated with inadequate financial provision. The companies that did embark upon practical work had not enough funds with which to carry it on very far. When the time came to make calls the shares slumped, and the whole business very quickly went to pieces. One of the greatest evils connected with the mining industry is the system of using mining finds for the purpose of making gambling counters in the share market. It was recognised by the responsible Minister that this evil was so great that he introduced a series of regulations to deal with it. Unfortunately, however, the regulations were inadequate. Had steps been taken to insist that companies could not operate unless they had adequate financial backing, and unless a very high percentage of the funds raised was spent in legitimate mining operations, we should not have had this evil to contend with. Coming to the question of taking up

these goldfields lines, we might very easily ask the Government to delay the work for another 12 months. My object in putting forward that view is not so much to satisfy the sentiment of the districts affected, as it is to afford an opportunity to try out the lodes by scientific methods of prospecting, such as the geophysical method of geological survey. From all that we have been able to read it appears that this method offers great possibilities. One of the districts in the State that offers perhaps the greatest inducement for trying out this method is the Kanowna district, and the other is the Hampton Plains district. If, as a result of trying out this method, it can be found that there are ore bodies of considerable magnitude and value, we might find ourselves in the position that we have taken up railways that are most necessary for the carriage of merchandise, and machinery with which to equip the newly opened mines. In these circumstances the request for delay is reasonable. We might ask the Government to stay their hands for 12 months, or until such time as this method of prospecting has been put to a practical test. I should like to make a brief reference to the circumstances surrounding the presentation of the Bill. Protests have been sent to individual members of Parliament with regard to the steps taken by the Government. These have come from the local bodies of Kalgoorlie. Members were severely reprimanded by those authorities for their failure to send any notice of the Bill to the districts concerned. I have here a letter signed by the secretary of the Kalgoorlie Road Board, and there is a similar communication from the Town Clerk of Kalgoorlie, with regard to the proposals of the Government for tearing up the railways in the district. The letter from the secretary of the Kalgoorlie Road Board is dated the 2nd November, 1927, and is as follows:—

Re Government proposal to tear up railway lines in this district. I beg to advise you that the above matter was given lengthy discussion at the last meeting of this board, when the chairman reported that he had strongly protested against such action being taken to the Minister for Railways during his brief visit at Kanowna on Sunday the 23rd ult. He (the chairman) stated that it was only a fluke he had heard that the Minister intended visiting Kanowna with that object in view. My board considers that you have been lacking in your duty to your constituents in not notifying them of such proposed action in order that proper representations with data and your co-operation could be made to the proper authorities in support of its protest. I am directed

to ask that you explain your action in this matter.

Hon. E. H. Harris: He said the only people who knew the Minister was going up there were the members of the caucus party.

Hon. H. SEDDON: I understand this letter was sent to all members representing goldfields districts. I wish to take this opportunity of saying that I think most members of this House were in the same position as I was, namely, that we had no idea the proposal was contemplated until the Bill was introduced in another place. I leave it to members of the Lower House, representing goldfields districts, to make their own explanation. I cannot help thinking they must have been acquainted with the intentions of the Government, or they must have had the opportunity to become acquainted with them, before the Bill was introduced in another place.

Hon. E. H. Harris: The secretary of the Trades Hall met the Minister and travelled up with him, but the officials say they did not know of the Bill.

Hon. H. SEDDON: I wish to place the position before members of this House. All we knew about the matter was when the Bill was introduced in another place. I should also like to express my views with regard to the gentleman who took action in Kalgoolie. I am inclined to think the attitude he adopted was one of general protest. I do not think we would be justified in making general protests, or in asking that the line be left there, purely for sentimental reasons; but we are justified in asking that the lines should be allowed to remain until there has been an adequate geophysical survey made in the district, in order that we may definitely test the possibilities so far as gold mining is concerned. When a new mine is equipped machinery has to be carted to it, and a railway is required to transport it cheaply and swiftly to its destination. In the circumstances I desire to oppose the second reading of the Bill.

On motion by Hon. E. H. Harris, debate adjourned.

MOTION—TUBERCULOSIS.

Dairy Herd, Hospital for the Insane.

Debate resumed from the 2nd November on the following motion by Hon. A. J. H. Saw:—

That in the opinion of this House the policy of hush-hush adopted by both the previous and

the present Government in connection with the presence of tuberculosis in the dairy herd at the Claremont Hospital for the Insane, which supplies milk to the Children's Hospital, is not in the best interests of the health of the people.

Hon. A. Lovekin: May I make a personal explanation, Mr. President? I have received a letter from the hon. Dr. Saw asking me to act for him in regard to this motion. The hon. member writes that he has strained a blood vessel seriously, and will not be able to be present for at least two months, having been so ordered by his medical adviser. Therefore, if you will allow me, Sir, I shall act for Dr. Saw, and after other hon. members have spoken I shall exercise on his behalf the discretion, which he has reposed in me, of closing the debate.

HON. J. M. MACFARLANE (Metropolitan) [6.2]: I regret very much the news just imparted to the House by Mr. Lovekin concerning Dr. Saw's state of health, as no doubt his reply to the House on this question would be most informative and valuable. At the same time, it seems to me probable that the hon. member's regrettable state of health is partly responsible for the form of the motion. Had he been in his normal good health, he would not, I feel sure, have made this something in the nature of a personal matter, and reflection would have caused him to apply the motion to the dairy herds of the State as a whole. Further, it appears to me that in applying his motion to one particular herd, the hon. member has chosen the worst possible example for himself, since that herd represents a high standard of attention not only on the part of the Agricultural Department but also on the part of the gentleman who has the herd in his charge. The question has wrapped up in it not only the phase of tuberculosis in milk, but also, and certainly in the mind of the mover, the phase of clean milk as well as clean cows. Milk is recognised to afford one of the most touchy subjects a public man can discuss: when raising the milk question he always runs the risk of creating a public scare. But when a medical gentleman of the mover's high standing deals with the matter, a public panic is created, and possibly more harm than good results, by reason of the fact that people then refrain from using milk as a food, a thing which is deeply regrettable, especially from a medical man's

standpoint. That fact stands so clearly demonstrated in the minds of men of experience that Professor Armstrong, a scientist of high reputation at Home, has said he would rather have milk delivered to the public in the best condition that present day facilities admit of than place upon the distribution of milk conditions which would tend to make it expensive and thus render the public disinclined to use it. Professor Armstrong would prefer milk to be used under the conditions indicated, rather than not have it used, which would be the result of close restrictions. Of all foodstuffs milk is the most valuable in point of nutrition: one quart of milk equals nine eggs, or one pound of beefsteak, or one and a half pounds of fish. Moreover, milk is much easier to take and digest than those equivalents. Further, its value as a foodstuff is enhanced by its digestibility and its vitamin contents. During the last few years a good deal has been heard about the vitamins in milk. Various of these vitamins are being investigated, and three or four have been definitely fixed. It is perhaps on this account that we have a good deal of opposition to pasteurisation of milk. While pasteurisation does largely benefit milk in point of cleaning up organisms, it affects the vitamins, and particularly vitamin C, which is an anti-scorbutic. It is, however, easy to restore these factors, in effect, by giving the child or the invalid the juice of oranges or tomatoes. In dealing with the subject of tuberculosis, one has to realise that there are many forms of combating it that entail no extra cost to the consumer, and yet should result in the complete clearing up of the disease in Western Australia. The people of this State are highly fortunate in their climatic conditions. Statistics show that England has over a million cows affected with tuberculosis. The great percentage of tuberculosis in the Northern Hemisphere is due to the fact that there cows are kept in byres for many months together, and are not milked in the open at all. On the other hand, we in Western Australia permit our cows to run in the open all the year round. Here those great enemies, bovine and human infection, are killed by sunlight and fresh air. I am quite convinced that the statistics recently quoted by the Chief Secretary amply demonstrate what wonderful assets those godsend, plenty of sunshine and open

natural conditions, are to our dairy herds. The mention of tuberculosis in milk invariably creates a scare; but it must be borne in mind that while tuberculosis takes a heavy toll indeed of humanity in wet and cold countries, where cattle have to be housed as I just mentioned, it does not take so heavy a toll as is exacted by the germs of typhoid, diphtheria, scarlet fever and dysentery, and those germs which create disease in the throat. Another trouble connected with the use of milk is purely a house trouble—I refer to infant mortality caused by summer diarrhoea. This disease arises from the conditions under which milk is held and used in the home. Now, though the bovine tubercle trouble is very serious, and naturally causes alarm, nothing is really pure from a medical standpoint; we are told that the very atmosphere is not pure, and that in breathing it we are continually running risks. Scare headlines on this subject we should endeavour to palliate by instructing our people, and particularly our dairymen, in regard to hygienic measures, so that the danger of infection may be reduced to a minimum by cleanliness and commonsense. As to the herd at the Hospital for Insane, I have known it since its establishment at Whitby Falls; and the gentleman now in charge of it was in charge of it then. He is a man who has spent a long life amongst dairy cattle, and is most keen on hygiene and on the delivery of clean milk. He is perhaps quite as experienced as many veterinary surgeons, and in the case of any trouble arising in the herd he has available to him the aid of the Medical Superintendent and his assistant at the asylum. In dealing with supplies of milk to public institutions such as the Children's Hospital, he has at all times recognised the greatness of the burden placed upon his shoulders, to see that supplies are maintained at a high standard, and that no challenge should be possible in point of quality at any time. I have not spoken with the gentleman in question regarding this motion, but I feel that Dr. Saw's remarks, and that hon. member's endeavour to fasten a charge of neglect on him, will cause him much concern. He is well aware that the danger of infection is largely from the udder. Anyone who knows anything at all about cattle can always tell when the veins of the udder show any lesion or

other abnormality, indicating an attack of tuberculosis in the udder. He is also aware that the next most dangerous place is the lung. A cow so affected is called a "cougher." In the case of a "cougher" or a cow with symptoms of tuberculosis in the udder, he at once mentions the matter to the Superintendent, and a killing take place, even though possibly the cow's milk would not be at all infectious, the disease not being sufficiently advanced. The Claremont herd has been subjected to the tuberculin test. It is a fact, however, that if a herd is tested too frequently, the resistance is lowered. Another fact is that a cow in the most advanced stage of tuberculosis may not react to the test at all, whereas a cow with slight symptoms or slight lesions may react in a striking degree. We want to be quite sure, therefore, that the testing is not being overdone. Dr. Saw suggests the application of the tuberculin test once in every three months. I wish hon. members had time to read an article in a journal I have here, "The Veterinary Journal," edited by Frederick Hobday, C.M.G., F.R.C.V.S., F.R.S.E., Honorary Veterinary Surgeon to His Majesty the King, Officier du Merite Agricole (France), Cavaliere dei Ss. Maurizio e Lazzaro (Italy), Honorary Member of the American Veterinary Association, and formerly Professor in the Royal Veterinary College, London. This is a special issue dealing with clean milk, and containing an editorial on that subject. It deals with all phases of milk supply, including bovine tuberculosis and its treatment; and I am sure that the information afforded will be most helpful in enabling hon. members to realise that while the tuberculosis difficulty is exceedingly great in other countries, it is not nearly so great here when the Government undertake a general policy of eradication.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. M. MACFARLANE: As I said before, I regret that Dr. Saw confined himself to a specific herd. I am sure he would agree with me that the Government have not carried out a definite campaign against tubercular cows, simply because to do so it would be necessary to increase the number of veterinary inspectors and to create an economic loss that would be reflected in the price of milk to consumers. Taking it in its mildest form, the destruc-

tion of animals is economically serious, especially when we remember that a cow may be affected by bovine tuberculosis without her milk being appreciably affected. Despite this, of course, she would react to the tuberculin test and so would have to be destroyed. And, as I say, the economic loss caused by the destruction of animals must be reflected in the cost to the consumer. Possibly that is why neither this Government nor any other Government have ever taken a definite stand and carried on an active campaign against bovine tuberculosis. It is always found preferable to supervise the general health of the cows and the conditions in which they are kept. The committee of the Children's Hospital were wise in selecting this Claremont herd for the supply of milk to the inmates of the hospital. I am convinced there is no other herd in the metropolitan area that could supply milk of the same high standard. Although many of our herds in the metropolitan area are of excellent quality and well kept and conditioned, yet they fall far short of the ideals set up by the medical officers and the veterinary inspectors. As for our own city officials, the health officer is most scrupulous in his examination of milk, but he has no control over the source of the supply. That comes under the Health Department's inspectors, who are very few in number and so cannot get round the herds as frequently as they would like to do. The local inspectors know their work very well, but they have so many other duties to perform that they are unable to see to it that the Act is carried out in every particular. The result is that we have vended in Perth milk of very good quality chemically, but whose bacteriological contents cannot be checked, except by examination by the Health Department's inspectors. So, when Dr. Saw attempts to deal with this question solely from the point of view of tuberculosis, he is going only half the distance. He requires to try to inaugurate what has been done in England, where the milk is graded and where the authorities teach the producers ideal methods so that they may be able to secure ideal returns. That is being done very successfully, and a large percentage of the milk vended in the bigger cities of London is grade A milk. When the milk does not conform to the conditions prescribed for Grade A, pasteurisation is resorted to. But after all, that is only a palliative. For even

if milk is pasteurised to 145 degrees, it is contended that the tubercule germ, whose resistance to heat is very great, is not destroyed. It has been proved here in Perth that even with the best appliances, it requires the man behind the scheme to effect a satisfactory pasteurisation. In England the Health Department has been very active in its endeavours to get the producers to carry out a system of tuberculin test and to go in very thoroughly for hygienic methods of production. It is known that $8\frac{1}{2}$ per cent. of milk consists of solids, not fat. If we subject those solids to heat, we seriously affect the digestive qualities of the milk, and if we over-heat the milk we destroy its vitamins also, and so reduce its value very greatly. I was surprised to hear Dr. Saw express approval of the expedient of boiling milk. In a country where we have no very high standard of hygienic conditions it is perhaps wise, but where there are infants and children to be fed, the boiling of milk is not very desirable. It is very much wiser to encourage the dairyman to improve his hygienic conditions and produce the milk free from tubercle or pathogenic germs. Then if a mother has occasion to warm the milk for her children, she does not destroy the vitamins so essential to infants. I should like to see the motion withdrawn or amended to cover the whole of the production and sale of milk. Then we could get the milk supply improved to meet the scientific conditions laid down for its production elsewhere, notably in Sweden, Denmark, and America. By this means we should avoid increasing the cost to the consumer, while at the same time we should be encouraging the consumption until it might be increased to what it ought to be. Only the other day, on making a rough calculation I found that the consumption of milk in the metropolitan area does not exceed a quarter of a pint per head per day. In New York and other cities of America, the consumption is over one pint per head per day. If we are to proceed on lines that will benefit the consumer, and at the same time develop the dairying industry so valuable to Australia, we must pay more attention to improving the hygienic production. I cannot subscribe to Dr. Saw's charge against the Government of hush-hush, or that the herd at Claremont is not receiving proper attention, or that the inmates of the Children's Hospital are not getting high grade milk. Still, I do admire Dr. Saw for having

brought forward this question, which must be tackled in the near future, and I should like to support him in his endeavour. But I want the motion to apply generally, not to a single herd.

On motion by Hon. A. Lovekin, debate adjourned.

House adjourned at 7.42 p.m.

Legislative Assembly.

Thursday, 10th November, 1927.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION—TRAMWAYS, EXTENSIONS.

Mr. MANN asked the Minister for Railways: 1, When does he expect to have the tram lines in Stirling and Newcastle streets completed? 2, Is he aware that in their present condition they are dangerous to the public?

The MINISTER FOR RAILWAYS replied: 1 and 2, The tram track in Stirling and Newcastle streets is complete, and the road surfacing is a matter for the City Council, who have arranged to do the work for the department.

PAPERS—FEDERAL ROAD GRANT, NAREMBEEN ALLOCATIONS.

On motion by Mr. Latham, ordered: That all papers, since inception of the scheme, relating to the allocation of moneys to the Narembeen District Road Board, under the