Legislative Assembly,

Wednesday, 24th August, 1927.

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to Supply Bill No. 1 (£1,913,500).

QUESTION—INVALID AND OLD-AGE PENSIONERS.

Railway free passes.

Mr. MANN asked the Premier: Will he institute inquiries as to the cost that would be entailed by the granting of free passes over the railways to invalid and old age pensioners?

The PREMIER replied: No.

QUESTION—WESTERN AUSTRALIAN WINES.

Mr. E. B. JOHNSTON asked the Premier: Will he lay on the Table the report of the Licenses Reduction Board on the question of the sale of Western Australian wines, dated 25th October, 1926, and referred to in paragraph 4 of the board's annual report?

The PREMIER replied: Yes. The report is now available.

QUESTIONS (2)—RAILWAYS.

Facilities east of Bendering, etc.

Mr. LATHAM asked the Premier: In providing railway facilities for the country lying east of the Narrogin-Kondinin-Narembeen-Merredin railway, will consideration be given to the settlers resident over 20 miles east of Bendering, Emu Hill, and Narembeen?

The PREMIER replied: Yes.

Broad Gauge, Kalgoorlie-Fremantle.

Mr. NORTH asked the Premier: 1, Has a route yet been surveyed for the East-West railway between Kalgoorlie and Fremantle? 2, If so, when was the survey made? 3, Have any investigations been made during the present year regarding the practicability of an early commencement of this line? 4, Have the Federal Government yet been officially informed of the motion carried by the State Parliament last year relative to the East-West railway? 5, Does the Premier concede that the urgency of this line is not diminished by reason of the probable success of aeroplanes and air-ships for mails and light traffic?

The PREMIER replied: 1 and 2, Prior to 1914 trial surveys had been made on various possible routes. 3, No. 4, No. 5, Yes.

QUESTION—BACK TO GOLDFIELDS CELEBRATION.

Hon. Sir JAMES MITCHELL (without notice) asked the Premier: When does he propose to adjourn the House for the Kalgoorlie celebrations—this week, or next week?

The PREMIER replied: I intended to inform hon. members during the evening that I proposed to ask the House to adjourn to-morrow week. My suggestion is that the House should then adjourn at the tea hour, so that members who wish will be able to travel by that night's train, leaving at 9 o'clock.

MOTION—RAILWAY CONSTRUCTION, YARRAMONY EASTWARD.

MR. GRIFFITHS (Avon) [4.37]: I move—

That in the opinion of the House the Yarramony Eastward railway should be built without delay.

In connection with this motion, when I look back through the years, I call to mind the many efforts which you, Mr. Speaker, put forward in the same sort of struggle as I have been engaged upon for the last three or four years. I refer, of course, to the railway from Esperance to the goldfields. During the controversy over the Esperance railway, a certain motion was brought before this House, and carried, affirming, so far as I remember, that railways should be constructed in the order of their authorisation. Recently I asked the Premier to meet a deputation consisting of the member for Toodyay (Mr. Lindsay), the three members representing the East Province in the Legislative Council, myself, and the two Leaders on this side, the members for Northam (Sir James Mitchell) and Katanning (Mr. Thomson). Owing to pressure of official business the Premier has been unable to meet the proposed deputation. I notified accordingly the branches of the Yarramony Eastward Railway League, 10 in number—branches at Southern Brook, Quelagetting, this being a soldier settlement, North Cunderdin, West Yorkrakine, East Yorkrakine, North Kellerberrin, Kodj Kodjin, North Baandee, North Hines Hill, and North Nangeenan. Further, I furnished those branches with a communication sent to me by the Premier that this railway would be built on its merits. In the "Western Australian Activities" a statement has been published that the Ejanding Northward line, comprising with spurs 77 miles, is under construction. Upon seeing that announcement I began to wonder why this latter line, which was authorised only last session, should be constructed in preference to the Yarramony Eastward line, which was authorised some 3½ years ago. It may be that cheap migration money can be utilised for the Ejanding-Northward line and not for the Yarramony Eastward. If so, we who are interested in the latter line cannot complain. We will not adopt any dog-in-the-manger attitude; if the other people can get their line built with that cheap money and we cannot, we must bow to the inevitable. On the other hand, if the Ejanding-Northward line is being built out of Loan funds, there has been a distinct breach of faith. All sides of this Chamber have at various times made promises to the settlers who are waiting for the Yarramony-Eastward line to be built. I am quite aware that various events have prevented the early construction of that railway. There were four years of war, and the aftermath of the war prevented ordinary Loan funds being made available. Still, it is a sorry tale when one goes right through it. It might almost be called a serial novel, "to be continued until the next promise." That is the chief feature of the story. One goes on from promise to promise. Possibly members who have not yet heard the history of this proposed railway will be amused when I read out some of the promises that have been made. I appeal to the Chamber's sense of fair play in behalf of the people on the proposed route of the line. It is now nearly a score of years since the first settlers were placed there; and therefore, it appears, to use a vulgar term, a little bit over the fence that other railways should be projected and actually constructed while these settlers continue to be pushed into the back ground. As mentioned before, I requested the Premier to meet a deputation of certain members of Parliament, thinking it would be well for us to have a little quiet talk with him and ascertain what is in the minds of the hon. gentleman and his Cabinet as to the prospects of a line being built to meet the needs of those people. I have asked a question here on the same aspect of the subject; and I have further written to the Premier, as the result of a large meeting held recently at West Yorkrakine, asking whether he can meet a deputation of the settlers. So far I have received no reply to that letter. I presume the Premier is still pressed with official business, but I trust that before long the hon. gentleman will either see his way clear to meet the settlers or else to make in this House a statement that the people concerned will receive what has been promised them over and over again. My message to them got them rather up in arms. They called a meeting, attended by some 40 delegates representing all the branches I have enumerated. The meeting was presided over by Mr. J. W. Mann, who opened the proceedings in the following words:—

> It is necessary to be up and doing, as at the rate other works are superseding the Yarramony Eastward railway there is a danger of its being overlooked altogether.

The report continues—

> In these terms Mr. J. W. Mann opened a meeting of the Yorkrakine-Baandee Railway

League at the Yorkrakine public hall on Sunday last, when there were delegates present from Kodj Kodjin, North Baandee, Yorkrakine, North Cunderdin, Hindmarsh, Quelagetting, and Southern Brook. Mr. H. J. Beresford asked what warrant the league had for assuming the Collier Government would build the railway. The secretary (Mr. J. W. Diver) said that when Mr. Collier was asked, prior to the 1924 elections, for a clear statement of his attitude towards the proposed Yarramony-Yorkrakine-Baandee railway, he wrote: "My answer is that if returned to power at the elections, a Bill for its construction will be brought forward, and if still in Opposition, the railway will have my support, believing that when Governments place settlers on the land it is their duty to provide all necessary facilities to enable them to market their products without imposing on them undue labour and expense."

The Premier: You know very well I did support the Bill when it was brought forward.

Mr. GRIFFITHS: Very well. The report proceeds—

The Acting Premier (Mr. Angwin) in April, 1925, in reply to a deputation expressed similar views, and recalled his activities in the founding of the Yorkrakine settlement and the promises that were made to the settlers. Mr. Alex. McCallum (Minister for Works), in reply to a deputation at Dowerin in October, 1925, said: "The previous Labour Administration inherited from their predecessors an enormous amount of authorised railway construction, every bit of which was carried out. The Collier Government had also inherited a large number of authorised works, and you may rely upon it that every mile of it will be carried out." In October, 1925, Mr. Collier received a deputation, who told him they had noted his public utterances to the effect that he could get all the money he required for railway construction, and after emphasising the Advisory Board's report that the railway would at that time earn its working expenses and £1,700 as interest on capital cost, urged him to legislate to enable him to collect the balance of the interest from the farmers who benefited. Mr. Collier, in his reply, demurred at the partial application of the betterment principle, and said that he recognised the settlers' position, and their representations would be considered with the Loan Estimates.

The Premier: They were considered.

Mr. GRIFFITHS. I know that, and so they were when I was speaking on the Revenue Estimates. I was told then that I should wait for the Loan Estimates. When we got the Loan Estimates, I was told I should have spoken on the subject when the Revenue Estimates were being considered!

Mr. Chesson: You missed the bus.

Mr. GRIFFITHS: At any rate I dealt with it. The report continues—

On the 28th August, 1926, in reply to Mr. Griffiths, M.L.A., the Premier said he was aware that the four statistical areas, through the centre of which the proposed railway would run, produced one-fifth of the total wheat yield of the State. When asked if he would endeavour to have the 18-year old promise of a railway honoured before he lost control of the Treasury, the Premier answered "Yes."

The Premier: So I will.

Mr. GRIFFITHS: Good!

The Premier: That gives me pretty wide scope! I adhere to that.

Mr. GRIFFITHS: The report continues—

As the Premier's reason for not receiving the deputation of members of the Assembly and the Council seemed somewhat obscure, Mr. Diver moved "That Mr. Griffiths be asked to arrange a deputation to the Premier, consisting of two delegates from each centre, with a view to getting an announcement as to when the proposed railway will be started."

I have written accordingly, but have received no reply from the Premier, who is still too busy! The report continues—

Mr. Bradshaw said that the position of the soldier settlers was hard. Had the Repatriation Department not thought the railway was assured within a reasonable time, they would never have settled them over 20 miles from a line. Mr. O'Dwyer, Southern Brook, said that in his district about 35,000 acres of land were at present unused, and were up to 18 miles from existing lines, but would be less than five miles from the proposed line. This idle land was a breeding ground for all the farmers' pests.

I have figures from that gentleman giving full details. Another question involved is the construction of roads on an improved basis, together with motor transport facilities. It is urged that 25 miles is too small a limit and that lines should be further apart. On that point the report contains the following:—

Mr. Laird (Kodj Kodjin) said some people thought that motor transport could take the place of the proposed line. His experience was that that method was as costly as horses and wagons. He failed to see why farmers should pay for transport over unpayable distances and at the same time contribute to the upkeep of other people's non-paying lines.

I have given these particulars to the House in order to place before members some idea of the feeling existing throughout the areas affected. This is no move on my part to gain kudos or political capital. When I was speaking on the hustings, I said I would do my utmost to get the Premier to construct the line as soon as possible. In acceding to their requests, I am merely doing what I told the people I would en-

deavour to carry out. After I have given the House a few more details I think members will agree with me that the request is fair and reasonable. The request is that the people concerned shall be given some idea as to when they are likely to have the railway built. It is now 20 years since the promise was made to them, but the line is not yet under construction. I do not know whether the Premier's hands are tied. Personally I believe the Premier would agree to the construction of a line in order to cater for the requirements of the settlers, but if his hands are tied, I hope he will be frank and disclose the position. In the letter I received from Mr. Diver, he said that at the meeting, the report of which I have dealt with, the reason why the Premier would not receive a deputation from members of Parliament was not quite understood. They looked upon it as a refusal; but it was not quite that, for the Premier said he was so busy that he could not spare the time and was, therefore, unable to see us at that juncture. In his letter Mr. Diver urged me to endeavour to arrange a deputation to wait upon the Premier. In the correspondence I have received from different people settled along the route of the proposed railway, the injustice of their position was stressed and my correspondents asked me whether something could not be done to get the matter brought under the notice of Parliament with a view to putting an end to a position that had remained unaltered year after year. I have here what some people have referred to as my three volume novel. I have placed these facts before members before, but I will read them again.

Mr. Kenneally: Is that a threat?

Mr. GRIFFITHS: No, it is a promise.

The Premier: Why not lay it on the Table?

Mr. GRIFFITHS: Here are the facts—

This is a statement of the series of broken promises and political wire-pulling of which the settlers of the country between Yarramony and Newcarnie have been the victims from 1908 to July, 1927.

The Premier: Who has written that?

Mr. GRIFFITHS: I have. I am proud of it. These are facts.

The Minister for Lands: Where is there evidence of wire pulling?

Mr. GRIFFITHS: My statement continues—

1908.—Mr. Mitchell told the prospective Yorkrakine settlers that they would be within carting distance of a railway. The Hon. John Scaddan, when Premier, promised the railway would be built after existing authorisations had been completed. In the Governor's Speech the survey was forecasted. The Hon. F. Wilson announced, when he took charge, that the Government would honour the promise. This was never fulfilled.

1915, 1st November.—Deputation to the Hon. F. Wilson, who promised that the Advisory Board would examine the proposition, and if their report were favourable, the survey would be proceeded with.

Hon. Sir James Mitchell: We were not in office then.

Mr. GRIFFITHS: It is all right, this is authentic.

1917, 11th January.—Advisory Board inspected. Chairman taken ill and died. No report made; an attempt to get report proved abortive. Hon. F. Wilson died.

The Premier: This is where I get out! I am getting a bit scared about it!

Mr. GRIFFITHS: The summary proceeds:—

1918, 12th November.—Hon. H. B. Lefroy became Premier, and deputation waited on him and urged construction. Sympathy extended; investigation promised.

Mr. Marshall: Did he die too?

Mr. GRIFFITHS: He did, politically.

1919, 19th January.—Hon. H. B. Lefroy written to and asked what steps had been taken. He replied, "I and another member are going to Melbourne to raise funds for public works, and your important district will not be overlooked." On his return from Melbourne he lost the Premiership.

Hon. H. P. Colebatch took the helm. He was written to and strongly urged that the line be constructed. Nothing happened.

Mr. Corboy: He did not have time!

Mr. GRIFFITHS: The summary continues:—

1919, May.—Hon. J. Mitchell took the steering wheel.

1919, August.—Deputation to Hon. J. Mitchell urging claim. Premier admitted railway was necessary and justified. Inquiry promised.

1920, early part of year.—Premier written to asking his Government's intentions. Mr. Harrison, M.L.A., was advised that the Board would again report.

1920, 11th October.—Advisory Board reported in glowing terms.

1920, 9th December.—The executive of the Yarramony Railway League decided to again wait on the Premier. He refused to receive them, but wrote that he would introduce a Bill for the construction of the line during

the next session, and in the meantime he would proceed with the survey. Elections pending. Hon. John Scaddan also wrote supporting project. Hon. P. Collier said that if in power he would do the same as the Hon. James Mitchell, or if still in opposition would assist the Government to pass the Bill.

The Premier: Which we did!

Mr. GRIFFITHS: It proceeds:—

1921, November.—Further pressure on politicians resulted in word coming out that Works Department had been authorised to proceed with the survey.

1922, February.—Hon. W. J. George went through district and assured settlers survey would commence in May.

1923. December.—The Bill finally passed after only 15 years!

1924, March.—Collier Government returned to power.

The Premier: A notable event! You will see the change in the programme!

Mr. GRIFFITHS: Here it is:—

1924, 9th June.—Petition handed to the acting Premier, signed by 200 settlers from Yarramony Eastward line of country.

1924, July.—Deputation to Minister for Works (Hon. A. McCallum), who agreed railway should be built, but money was the bar. On Loan Estimates Premier promised the line would be provided for, and £30,000 was placed on the Estimates, but no provision for spending any of it.

1925, May.—Deputation to Hon. W. C. Angwin (Acting-Premier), who stated he favoured the line, but money still the bar. When the Premier returned he would consider the matter.

1925, 7th October.—Neputation to Hon. P. Collier. Settlers offered to supply any deficiency on account of loss on working of proposed railway, by payment of a betterment tax.

1925, 3rd December.—Strong protest put up in Legislative Assembly by myself as member for Avon.

That is the history of this proposition, and it brings us up to the present time.

The Premier: Is there anything to be downhearted about in that programme?

Mr. GRIFFITHS: It does not reflect credit upon Parliament. I hope the Premier and his Government will see that at least something is done as the result of this motion. I hope they will give some reassuring message that can be transmitted to the people concerned. In his letter of February, 1921, the Premier stated that a Government should not settle people on the land without providing them with facilities that would enable them to carry on without undue expense, strain or labour. Seeing that these people have been carting for distances upwards of 23 miles, it looks as though someone, in the Premier's opinion, has not done his duty. We hear references to successful farmers who have made good despite the absence of the line. When we look back along the road those men have travelled, we can see the wrecks of those who have failed. Many failed because of their temperament; some have suffered mentally, and others physically. Their wives have been unable to stand the strain of bringing up large families. They have been able to keep going under conditions that, particularly during the carting season, necessitated their rising at 2.30 a.m. and working on till 9 p.m. That had to be done in order to prepare meals for the men before they set out with the carts. No wonder young people there became fed up, when they contrasted the conditions under which they were working with those obtaining in the cities.

Mr. Mann: Not all of them have drifted from the country, for there are some fine farmers there still.

Mr. GRIFFITHS: Not all of them have drifted away, but many of the younger folk have left the farms and are to be seen in the city.

Mr. Sampson: That is not to be wondered at.

Mr. GRIFFITHS: The people at North Baandee and other centres have endeavoured to make life more attractive for the young folk. At Yorkrakine, for instance, a sports ground has been provided and a fine town hall erected to make country life more tolerable for the young people. There are successful farmers in that district, but they have gained success at the expense of blood and stamina. They have had to strive for it only by working long hours, with the assistance of the members of their families. Life for them was hard, particularly during the earlier stages. When the Premier refused to meet a deputation from members of Parliament, I was asked by the Yorkrakine ladies if the Premier would discuss the matter with them, seeing that he would not meet the men.

The Premier: Now you are talking sense! I will do business wth them.

Mr. GRIFFITHS: If the Premier were confronted by the ladies from Yorkrakine, they would put the position before him and point out what existing conditions have meant to them. They would talk of their hours of toil from 2.30 a.m. to 9 p.m. They

would also tell him of the expressions of sympathy he had made use of regarding people in the city and the necessity for a 44-hour week for them. They would bring such arguments to bear that I am sure would result in a favourable answer before they left the Premier. There is just another thing in regard to the effect these conditions have had on the people up there. I was through the whole line of that country a little while ago and was surprised to find that at Southern Brook there were large farms with only very small areas being developed. Some estates of 2,000 and 3,000 acres were practically uncultivated. It was pointed out to me that while the settlers had to cart 18 and 20 miles the proposition was quite unpayable, and so they were working as little land as they possibly could. I understand there has been an increase recently in the acreage under cultivation. As to the soldier settlement at Quelagetting, it was a crime to place those soldiers so far from a line. Of course it was done with the idea that a railway would be built within a reasonable time. But those men are 20 miles from a railway, and I say it is nothing less than a crime to put them there, leave them there, and expect them to make good. From Quelagetting to near Yorkrakine there is a good deal of light country sparsely settled. The men there are hanging on for grim life. For them it is a fierce struggle indeed. At Yorkrakine we find substantial traces of that monumental social experiment by Sir James Mitchell and the Hon. W. C. Angwin. They took 50 unemployed from the metropolitan area and certainly proved that those unemployed were not unemployable, but that with willing hands, vacant land and public credit they were able to make a wheat province for the State. Many of those men have made good. Many of them also have sold out or abandoned their holdings, and of the original locations at Yorkrakine 20 are now under the control of six men. By the use of powerful tractors and large machinery those men are trying to counteract the undue handicap of excessive distance from a railway. The great majority of the settlers in that district are making a poor living by claiming the assistance of their families and working unduly long hours. By those and other means some of them are even making a little progress. Passing to North Bandee and Kodj-Kodjin we find a picture very much the same. The outstanding feature is that success has been won only by solid, hard work extended over very long hours. A lot of the young people have drifted away to the city. When I go up I am everywhere asked, "When is the Premier going to build this railway for us? We are thinking of getting out. Our parents have been here for many years, and the railway seems as far off as ever." I have heard it urged that road construction in conjunction with motor transport will remedy the existing difficulties. I have discussed the question with many people and I find that motor traction is just as expensive as horse and wagon, in some instances more so. The only feature is that by the use of motor traction the settlers are able to save a little time. But take the road from Nembudding south to East Yorkrakine. It cost £1,000 per mile. If we are going to build roads of that description at every few miles, from the Dowerin line across to the eastern line, what will be the cost of construction, and what will the maintenance cost? Again, why should a settler 20 miles from a railway have that extra capital cost of expensive roads placed on his shoulders? A motor truck that will stand up to the work costs about £600. I know a settler who has had a Chevrolet truck for the last 12 months, and who has paid out over £60 in repairs. That, of course, is a light truck, and its owner questions whether under the rough haulage it will last four years. The capital cost of that truck was £250. As I say, to get one that really will stand up to the work a settler must pay out £600. In asking that some consideration be given to these people I must remind the Premier and the House that they do not want an expensive line. They simply require that a line should be built as recommended by the Railway Advisory Board, namely, a light line. It is an essentially reasonable request, and I hope the Premier will try to persuade Cabinet to grant to these people their railway. Before sitting down I should like to give the House some figures regarding that district. The House will agree that proved country ought to be fully developed. We have been embarking on all sorts of enterprises, spending lots of money. And we learnt last night that £150,000 is to be expended on new premises for the State Savings Bank. Then there is talk of another building to cost £100,000 or more. We calmly discuss these

things whilst agricultural railways, vital to the settlers, are put on one side. I have said that the country to be served by the Yarramony Eastward railway is proved country. In the year 1925-26, the output of wheat in the four statistical areas through the middle of which this line will pass was 4,023,888 bushels, or one-fifth of the wheat produced in Western Australia that year.

The Premier: But those figures are misleading, for a considerable quantity of that wheat came from areas already served by railways.

Mr. GRIFFITHS: That is so. I do not say that all that wheat would come along this proposed railway.

The Premier. No, much of that wheat was grown in areas already served by railways, and so the figures are somewhat misleading when put in that way.

Mr. GRIFFITHS: That is not the impression I wished to create. I want to show that this is proved country and that there is a great deal more similar country awaiting development. Figures for the current year —they will be published in the "Western Mail" to-morrow morning—show that the output of wheat from those four statistical areas has been 5,822,790 bushels, or an increase over the previous year of 1,798,902 bushels. The member for Toodyay the other evening referred to that great area as being part of the potentialities of the Toodyay electorate.

Mr. Lindsay: I have never used that word yet.

Mr. GRIFFITHS: No, I am using it for you. It is certainly true that the people in that area are going to produce vast quantities of wheat. Once given railway communication, there will be a great development up there. That light country cannot be profitably used without a railway, but once the railway comes the whole district will be fully worked. A settler, referring to a railway platform required at Tammin, offered to bet me the people would get the Yorkrakine railway before they got that platform. However, I see that the Minister has given us the railway platform, and so my friend has lost his bet, if one were actually made. One man in the district said he thought the railway was not wanted. I asked him how far away he was from an existing line, and found he was only 11 miles. Of course it will be remembered that other fellows are much further out, and so cannot profitably work their farms. I want the House to realise that a gross injustice has been done to those people. Let me read this letter, dated 3rd February, 1921, from the Hon. P. Collier when Leader of the Opposition to Mr. Diver, honorary secretary of the Yarramony Eastward Railway League:—

Dear Mr. Diver.

As I have been busy with the elections, time has not allowed of a reply to your letter earlier. You ask for a clear statement of my attitude on the proposed railway, Yorkrakine-North Baandee, and my answer is that if returned to power at the elections, a Bill for the construction will be brought forward, and if still in Opposition the railway will have my support, believing that when Governments place settlers on the land it is their duty to provide all necessary facilities to enable them to market their produce without imposing on them undue labour or expenses. I gather from your letter that the Premier promises the railway next session; but if sincere, why not have introduced it last session as well as the Bolgart extension. This is important, because Parliament has already decided "That new lines must be built in the order in which the Bills pass the House, and four new railways have been authorised for the past four or five years, and the Bolgart extension makes another in the list for priority of construction, and Mr. Mitchell admitted at that time that the line could not be built for some years to come. The suggestion of Mr. George regarding the Kalgoorlie-Perth 4ft. 8½in. gauge is absurd. The responsibility for such a line is entirely that of the State, the Commonwealth having nothing to do with it. Such a line would cost three millions, and of course is out of the question for many years ahead. I trust that your district will be served by a railway before very long, thus removing the handicap under which the settlers of the area have laboured so long.

Yours faithfully.

P. COLLIER.

I have no more to say. I commend to the House the motion I have moved. I have done it in all sincerity, thinking it only right and proper that some announcement should be made to relieve the anxiety of those people and let them know when their railway will be built. They see their line being delayed while the Ejanding-Northwards line is under construction. Of course, if that Ejanding-Northwards railway is being built out of migration money, we cannot object, but if it is being built out of ordinary loan funds it certainly is not a fair thing.

MR. LINDSAY (Toodyay) [5.15]: After having heard the letter expressing the views of the present Premier, there is really no necessity to speak on the question, because the Premier quite agreed that the railway

should have been built some years ago. When the member for Boulder was Leader of the Opposition. I heard him speak in the Yorkrakine hall, and he said that if the Labour Party were returned to power the railway would be built.

The Premier: I am sure I did not say that.

Mr. LINDSAY: The words used were to that effect.

The Premier: That must have been one of my joking days.

Mr. LINDSAY: The building of this railway is too serious a matter to the people concerned for anyone to joke about it. There seems to be an impression that the line should not be built, and the principal reason given is that a railway is unnecessary because of the development of motor transport. It has been stated that the settlers in the district to be served by the railway are successful. That is right to a certain extent, but in that district, as in other districts, and more so than in my electorate, there have been a number of failures. I have lived close to this area for 21 years and I speak with practical knowledge of the district. Although it has been said that the settlers can produce wheat at a profit, I have a letter of recent date from the trustees of the Agricultural Bank stating that they do not consider it possible to grow wheat profitably if the settler is more than 12½ miles from a railway. That is the opinion of the trustees of the Agricultural Bank, who should have a knowledge of the subject. Owing to the long distances the settlers have to cart their wheat and the long period they have to devote to the work, it has not been possible for them to farm their land properly. The land has now reached a stage when it must be farmed properly. The settlers are not getting the yields they obtained when the land was virgin and clean. It is now old and dirty and requires better working, which entails extra cost. Consequently, the success of the past is not likely to continue to the same extent in future. I have heard it said by the Minister for Lands that only the high price of wheat has enabled many settlers to hold on. I explained that point the other night. There were two years in which the price of wheat was high, namely, 1919 and 1920, and the settlers in the district under discussion were able to make big profits, just as were other wheat growers, and to pay off some of their accumulated indebtedness. Yet many of settlers are still on the Industries Assistance Board. I know something of motor transport. Motor trucks shorten the period occupied in wheat carting, but certainly do not reduce the cost. What is more, if the road boards have to construct roads to carry heavy motor vehicles, or keep in repair the roads constructed with the assistance of the Commonwealth, it will mean a heavier burden on the ratepayers. When railways are built more than 25 miles apart, the settlers are not given a fair deal. I was in the district before the present settlers went out there, and there is not the slightest doubt they were led to believe that a railway would be constructed to serve the district. It is a great shame that the Dowerin-Merredin loop was constructed on the existing route. That was the fault, not of the settlers, but of someone else, and why should the settlers suffer for somebody else's fault? I opposed the route of the Dowerin-Merredin line; I considered it should be ten miles further south. The Railway Advisory Board agreed and told Mr. Morrell so. Had the Dowerin line been constructed ten miles further south, the settlers in the Yarramony-Yorkrakine district would have been served. The Bill to authorise the construction of the Yarramony-eastward line was passed in 1923, but there is an impression amongst many people that the railway will not be built. The Government should say definitely whether the settlers will or will not be granted railway facilities. A definite announcement would enable the settlers to decide what course to adopt, and make arrangements accordingly, but they cannot do that at present owing to the uncertainty. The motion, if passed, will be merely a pious resolution, but seeing that the measure authorising the construction of the line has been passed, I cannot conceive of Parliament's repudiating its own Act. The Act is on the statute-book and there is not the slightest doubt that the railway will be built eventually, but it was well to bring the matter before the House so that the Premier might make a definite statement.

HON. SIR JAMES MITCHELL (Northam) [5.21]: I support the motion. All that has been said about the years that have elapsed since the men were taken from Fremantle and most of them settled at Yorkrakine is true. It is true also that we agreed that a railway should be built.

As Premier I introduced a Bill, which was submitted to the House in 1923, and we then agreed upon the suitability of the land for wheat growing and the necessity for a railway. The only question that remains to be decided is when the line shall be built. I consider that there should be no longer delay. When members talk of motor transport as a substitute for railways, there are many things to consider. During last year we spent on motor vehicles and petrol £2,600,000, as compared with £1,400,000 three years ago. This State cannot afford to substitute expensive roads and motor traction for railways in our wheat areas. The member for Toodyay (Mr. Lindsay) was quite right when he said that the route of the railway from Dowerin to Merredin was too far north. I was horrified when I heard what had been done. What I believe happened is that the surveyors struck a bad grade and, instead of making a detour south, they carried the line north.

Mr. Lindsay: They could have got a good grade had they gone a mile to the south.

Hon. H. Millington: I think they struck more than that.

Hon. Sir JAMES MITCHELL: What was it?

Hon. H. Millington: It takes a lot of explaining.

Hon. Sir JAMES MITCHELL: To a suspicious mind, it might; I do not know. I was told they struck a bad grade, and instead of carrying the line south to avoid it, they went north. It does not matter a great deal if a new line is laid a few miles nearer to an existing line than was intended, but it makes a considerable difference if the new line is carried more than 25 miles from the existing line. In those days 30 miles between railways was recommended by a Royal Commission, as the Premier will recollect, but in that the Royal Commission were wrong. A distance of 20 miles is far enough.

The Premier: Twenty miles between lines?

Hon. Sir JAMES MITCHELL: Yes.

The Premier: I think we can go a bit more than that.

Hon. Sir JAMES MITCHELL: No; a greater distance cannot be adopted if we are going to allow farmers to do their carting with any degree of comfort. Another factor has since altered the whole situation. At the time we could take into consideration only the best of the land that would be served by the railway. When railway Bills were submitted we dwelt upon the areas of good land that would be served, and we adopted routes that strayed somewhat from a straight line in order to serve the best of the land. At that time the inferior land could not be cultivated. To-day, however, it is a different matter. The people have been promised a railway, and I hope the Premier will put the work in hand straight away. The settlers will need no more than a light line; in fact the lightest possible line should suffice.

The Premier: The estimated cost of the railway at the time, if I remember rightly, was £400,000.

Hon. Sir JAMES MITCHELL: No. it was very much less than that.

The Premier: It is a long line.

Mr. Lindsay: The estimate was £275,000.

The Premier: But that left 20 or 30 miles to be connected up, which would represent another £80,000.

Hon. Sir JAMES MITCHELL: It would not be anything like £400,000.

The Premier: What is the distance?

Hon. Sir JAMES MITCHELL: Altogether, 90 miles.

The Premier: But there remained 20 or 30 miles to be approved.

Hon. Sir JAMES MITCHELL: It is a pity that the length of line required is not twice 90 miles, because we would then have so much more country to serve. The Premier has stated more than once that he is willing to build the line.

The Premier: There is no one inside the House or outside it that suggests the line should not be built.

Hon. Sir JAMES MITCHELL: We have no doubt about the quality of the land or the quality of the men on the land. On those two factors we are agreed. The question now is when shall the line be built. With wheat at its present price, we cannot do better than encourage its production. So far as I can judge, there is very little chance of the price of wheat coming down. Of course it would be a very serious matter for us and for Australia generally if it fell to anything like the level of former years.

Mr. Lindsay: It is impossible for it to come down.

The Premier: We agree with that, and that is why we have been concentrating on

the building of railways to serve wheat lands.

Hon. Sir JAMES MITCHELL: The whole world is short of railways; of that there is no doubt. There are about 700,000 miles of railway in the world, of which 260,000 are in North America. In Australia we have about 27,000 miles; Russia—nearly three times as large as Australia—has about 45,000 miles, and China—also larger than Australia—9,000 miles. Students of questions affecting the world's food supplies agree that without railway construction it would be difficult to feed the people. For 60 years prior to the war the world averaged about 10,000 miles of railway construction a year, and it is an extraordinary fact that the money to build those railways was advanced, even to America, by Britain. Nowadays the world is not building railways at the rate deemed necessary. The average annual wheat production of the world in 1909-13 was 3,706,000,000 bushels, and it is interesting to note that the average per acre in those four years was 14 bushels. In 1920-23 the world's average annual production was 3,433,000,000 bushels and the average per acre fell to 13.64, a very serious decline. True, in 1923 the world produced 3,804,000,000 bushels, or 98,000,000 bushels in excess of the production for 1913. In the meantime the population has increased by about 180,000,000 people. The increase in the output of wheat, as compared with the increase in the population, should have been about 370,000,000 instead of rather less than 100,000,000 bushels. It is a fact that the world's food supply is a matter of grave concern to numbers of people interested in that matter. We notice from the newspapers that all kinds of expedients are being indulged in with regard to birth control because of the difficulties of finding food supplies for the people. All these things show us that the position has changed so much within the last 10 years that we are justified in building railways where we can get settlement, and where we have people willing to go upon the land, as is the case in this State. Of course we require to advance enough money to make production from the land possible so that the lines will pay their way. By building these new lines we can increase production, increase the wealth of the State, the incomes of the people, and increase our rate of progress. There never was a time when we could face the building of railways to open up new country with such confidence as can be done now. Because of that fact we can use land that might not have been utilised when the Merredin line was first built, and practically all land, all reasonably good sand plain, and other classes of country, for the production of wheat. I know we cannot get many miles of railway built with migration money, because we can get only £75 for every person who is brought in. At that rate we cannot provide for the settlement and the development of our groups and in other directions as well as build lines. On the migrants who came in last year we were entitled to draw £300,000, but that will not go very far in railway construction. If there is one thing for which we can borrow money it is for the building of railways, and for the advancement of cash for the making of farms, as we are doing now. Our increase in cultivable or cultivated areas in the last few years has been highly satisfactory. More, I think, than one-half of the area added to the Australian area under crop has been provided in Western Australia with its few people. To-day we stand largely upon our agricultural industry, though there was a time when the goldfields influenced practically everything that we did. Just now there is a revival of interest in the Eastern goldfields, but we can no longer depend upon our gold production as we did in years gone by. Owing to the war the price of railway material became almost prohibitive. Not only was money hard to get but it was dear. For a long time we could not transfer money from the Old Land even when we borrowed it. We could get out material for railways, but rails alone had gone up something like £12 a ton and railway construction was at a prohibitive cost. The position is better now, and the markets for products are far more assured. I hope the Premier will authorise the construction of this line without any further delay. We completed the line from Norseman to Esperance that was authorised subsequent to this Government coming into office. We are building only very few miles of railway now. Some other lines have been authorised, and I hope the Premier will be able to see his way to construct them, too. The Premier knows the justification for this particular line, and that when it is built it will add a very valuable link to the railway system of this State.

On motion by the Premier, debate adjourned.

RETURN—ASSISTED SETTLERS.

On motion by Mr. Lindsay ordered: That a return be laid upon the Table of the House showing:—(a) the number of settlers assisted by the Agricultural Bank, Soldier Settlement Scheme, and Industries Assistance Board; (b)the amount of money advanced; (c) the number of properties revalued under the different schemes; (d) the total amount of debt; (e) the amount written off as loss, under each scheme in each Agricultural Bank district separately.

MOTION—TRAFFIC ACT.

To disallow Regulations—Withdrawn.

Order of the day read for the moving by Mr. North of the following motion—

That the regulations prescribing omnibus routes Nos. 54 and 55, under the Traffic Act, 1919-1926, published in the "Government Gazette" on the 22nd July, 1927, and laid on the Table on the 2nd August, 1927, be and are hereby disallowed.

MR. NORTH (Claremont) [5.37]: As this matter has been dealt with in another place, I move—

That leave be given to withdraw this motion.

Question put and passed.

RETURN—FEDERAL AID ROADS.

On motion by Mr. Marshall ordered: That a return be laid upon the Table of the House showing—(a) area of local authorities throughout the State which participated in the Federal-State grant for the year ended the 30th June, 1927; (b) the population of each: (c) the total amount allocated to each for the year ended the 30th June, 1927.

RETURN—TIMBER INDUSTRY, MILLARS' CONCESSIONS.

MR. J. H. SMITH (Nelson) [5.40]: I move—

That a return be laid upon the Table of the House showing: 1, The number of concessions held by Millars' Timber Company, where situated, and the area of each. 2, The year the concessions were granted and date of expiration, also the extensions to concessions that have been granted. 3, The royalty per load or the rent being paid in each case.

By way of a question I asked for the information that is set out in this request for a return. I do not think there will be any opposition to the motion. My reason for moving it is that I wish to ascertain precisely what the position is relative to the timber industry in the South-West and the concessions that have been granted and the royalties and rents paid by Millars' Timber and Trading Company over those appertaining to other contractors. This also applies to permit areas since the concessions were granted. When these papers are laid on the Table of the House members may be able to find out what the position is, and how the Combine stands with relation to private individuals who are endeavouring to make a living out of the industry. The timber industry was in a flourishing condition, but when Millars' Company practically secured the whole of the large South African order at very reduced rates many men lost a considerable sum of money. As a result of this numbers of persons are now out of employment in different parts of the State. The industry, more especially the sleeper-cutting portion of it, instead of being in the hands of men who have followed it for many years, has drifted into the hands of foreigners. The latter people are supplying sleepers on rails at about half the price they should be receiving if they were working under decent conditions. It is very hard to prove these statements. I suppose all is fair in love and war. I understand the foreigners are putting sleepers on rails at about £3 12s. 6d. a load. They are paying to private people royalties amounting to anything up to £1, and are carting anything up to 12 miles or 15 miles to the rails. These Europeans are working in bands and they have their own motor trucks. Instead of receiving from 48s. to 50s., which represents the union rate, they are receiving 25s., and have cut down the rate for carting to about 50 per cent. below what they should be receiving. In addition to this they are paying royalties.

Hon. G. Taylor: Would they make anything out of it?

Mr. J. H. SMITH: They are living, and no one is making anything out of it. People now want to know what concessions Millars have that private individuals do not get, and what royalties they pay on the concessions that were granted many years ago.

The Premier: They do not pay royalty on the old concession; they pay lease rents.

Mr. J. H. SMITH: That is what we want to find out. I understand they do pay a certain royalty on these concessions.

The Premier: On some of them.

Mr. J. H. SMITH: We want to know what the position is.

The Premier: I think you will find that Millars are not the cause of the trouble. The trouble lies in the competition on private holdings and in the price-cutting that has been going on.

Mr. Mann: They have to protect themselves.

Mr. J. H. SMITH: Yes. I presume that is so to a great extent. As a result of the trade-cutting everyone is upset.

The Premier: Owing to the amount of cutting on private holdings, the production is greater than the demand. That is the trouble.

Mr. J. H. SMITH: I do not think that. I hardly think there will be any difficulty about the passing of this motion.

The Premier: South Africa has reduced its price because of the number of people who have come into the business, so the sleepers have to be supplied at the reduced price.

Mr. J. H. SMITH: The South African people call for tenders.

The Premier: I think it was agreed that the price should be reduced, and the competition here enabled South Africa to secure sleepers at that price.

Mr. J. H. SMITH: Millars and other companies were making such fabulous profits out of the industry, and receiving up to £9 10s. and £10 10s. f.o.b. Bunbury for sleepers, that many private individuals were induced to enter the business. Some of them bought the timber on private paddocks 10 or 15 miles from a railway, and paid high royalties and big prices, which did not suit those who were already in the industry. Companies were springing up like mushrooms. Many other people undertook to supply two or three thousand loads of sleepers to South Africa and did not even touch them. They sold the contracts to other people engaged in the industry and made a profit of £2 15s. a load. The member for Forrest (Miss Holman) is fully conversant with this matter. Messrs. Johnson & Lynn, the Lumber Company and others went into the business. When the last South African order came along Millars and the State Sawmills were left out, as well as the New Zealand Kauri Company. These companies had practically no orders on hand. Rumour has it that these three firms then got together and tendered for practically the whole of the South African supply this year at the rate of £6 and a few shillings f.o.b. Bunbury.

Hon. G. Taylor: They got the tender?

Mr. J. H. SMITH: They got everything and put the other people out. The other people now have to sell to Millars or else go out of the business. I want to find out what the position is, and for that reason I have submitted the motion.

On motion by the Premier, debate adjourned.

RETURN—TRAFFIC, MOTOR ACCIDENTS, ETC.

On motion by Mr. Marshall ordered:—That a return be laid on the Table showing—(a) The number of accidents in which petrol-propelled vehicles have figured for the past five years ended 30th June, 1927, each year to be given separately; (b) The number of injured, fatally injured resulting therefrom for the same period, each year to be given separately; (c) The number of officers employed by the Traffic Department for each year, covering the last five years ended 30th June, 1927; (d) The class, kind and number of vehicles at the disposal of officers for the control of traffic in the metropolitan area for the past five years ended 30th June, 1927, each year to be given separately.

PAPERS—BAYSWATER ROAD BOARD.

Resignation of Member.

HON. W. D. JOHNSON (Guildford) [5.50]: I move—

That all papers relating to the resignation of Mr. David Pyvis from the Bayswater Road Board, and the department's association therewith, be laid upon the Table.

My desire in submitting the motion is to ascertain the point of view of the local governing body's branch of the Public Works Department on the subject of resignations connected with road boards. There has been a good deal of comment in connection with the department's interference at Bayswater and recently a public meeting was called at which certain speeches were made. I was not present at the meeting, but I read a report of what was said and it seemed to me that the departmental officers were unduly active

in respect of the smaller affairs pertaining to road boards, affairs that might be regarded as purely domestic and not worth the department's while to worry about to the extent that it would appear the department are doing. I cannot speak with any authority as to whether the department's officials are right or wrong in the matter; all I can say is that they adopted a certain attitude and it is for the purpose of getting a knowledge of both sides that I desire to see the file. I have no doubt that other members who are interested in the affairs of local governing bodies will also be interested to learn the reason for the action taken by the department in connection with the Bayswater Road Board. So far as I have been able to gather, Mr. Pyvis resigned from the Board and other members of the board requested him to reconsider his action. Mr. Pyvis eventually withdrew his resignation, but he was told by the department that he had no right to withdraw it. I suppose that occasionally members of boards have small differences, and in a hasty moment a member might resign his seat, and after thinking the matter over, withdraw the resignation and in that way save the expense of an election.

Hon. G. Taylor: Does the Act permit it?

Hon. W. D. JOHNSON: We know that it has been done and nothing has been said about it. Surely no harm can follow the withdrawal of a resignation that may have been tendered as the result of a slight difference of opinion. I desire to learn why it is that the departmental officials should be so active in a matter that may be of trivial importance. Therefore, to get some information about the department's position I submit the motion and hope that it will be agreed to.

On motion by Minister for Works, debate adjourned.

Appointment of Secretary.

HON. W. D. JOHNSON (Guildford) [5.55]: I move—

That all papers relating to the recent appointment of a secretary to the Bayswater Road Board and the Department's association therewith be laid upon the Table.

This motion is to some extent associated with the previous one. The subject referred to was raised at the meeting held at Bayswater and discussed by the ratepayers. My desire is to see the papers so as to get an understanding of the position. So far as I can gather, the board desired to appoint a secretary to fill a vacancy that had occurred, and the Department interfered in some way, or delayed, or questioned what the board intended to do. In other words, the Department were just as active in this matter as they were in regard to the resignation of Mr. Pyvis. The local ratepayers resented the attitude of the Department. Whether the department were right or wrong I cannot say and in this case, as in the other, it is my desire to get a knowledge of both sides of the question, and then form an opinion as to the merits or de-merits of the action taken.

On motion by Minister for Works, debate adjourned.

BILL—FIRE BRIGADES ACT AMENDMENT.

Second Reading.

MR. SLEEMAN (Fremantle) [5.57] in moving the second reading said: This is practically a one-clause Bill which should meet with the support of members generally. At the present time the Fire Brigades Board consists of nine members, two representing the Government, one of them being chairman; two representing the insurance companies carrying on business in Western Australia, one representing the Perth City Council, three representing the different municipalities and road boards, and one representing the volunteer fire brigades registered in Western Australia. The Bill provides that the number shall be increased from nine to ten and that the extra member shall be elected by the employees of the Fire Brigades Board. There are not many boards in existence in the State that give representation to employees, although there are quite a number of nominated boards that do give such representation. The system has worked very well and makes for the better working of the industry the board may be controlling. I consider that the fire brigades employees should have a representative on the board. The remaining clauses of the Bill are purely machinery in character. I move—

That the Bill be now read a second time.

On motion by Hon. H. Millington debate adjourned.

BILL — FREMANTLE MUNICIPAL TRAMWAYS AND ELECTRIC LIGHTING ACT AMENDMENT.

Second Reading.

MR. SLEEMAN (Fremantle) [6.1]: This Bill may be described as essentially a facsimile of the previous measure. At present the Fremantle Tramways Board consists of five members—the Mayor of Fremantle ex officio, a member representing the occupiers of Fremantle, one representing the freeholders of Fremantle, one representing the occupiers of East Fremantle, and one representing the freeholders of East Fremantle. While the parent Act stipulates that the occupying of a seat on the Fremantle Tramways Board shall not debar either mayor or councillors from holding their municipal seats, it is not possible for an employee to hold a seat on the board at present. The Bill proposes that the Act shall be amended so as to provide for an additional member to sit on the board, and that this additional member shall be elected by the employees of the Fremantle tramways. Section 15 of the Act is amended by substituting "six" for "five," and by substituting "five" for "four," and by inserting after the word "rolls" the words "and the employees' roll." The Bill also has a provision to the effect that no one under the age of 21 years shall be eligible either to occupy a seat on the board or to vote at the election of a member of the board. The other amendments proposed are merely consequential. I move—

That the Bill be now read a second time.

On motion by the Premier, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

MR. MANN (Perth) [6.4] in moving the second reading said: I feel the responsibility of introducing this Bill, and realise that it is a measure that will be considerably criticised, there being a wide division of opinion as to whether capital punishment should be retained or abolished. Broadly speaking, in this connection I have found that there are two classes of people—those definitely opposed to capital punishment, and those who are indifferent with regard to it. In discussing the measure with those opposed to it, I have found that the greater proportion of them know little or nothing of the subject, and certainly can put forward no sound reason for the retention of capital punishment. Those who are indifferent would probably be prepared, upon being furnished with sound arguments, to support abolition. Every authority that I have been able to discover and consult favours abolition. Every scientist who has studied the matter and written upon it gives sound reasons for abolition. I have been unable to find any modern authority favouring the retention of capital punishment. The law as to capital punishment to-day, is expressed in Section 282 of the Criminal Code, which sections reads—

> Any person who commits the crime of wilful murder, or murder, is liable to the punishment of death.

The definition of insanity ruling in Western Australia is contained in Section 27 of the Criminal Code, and reads as follows:—

> A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission.

Section 653 provides that a jury may find an accused person not guilty on the ground of insanity, as follows:—

> If the jury find that the accused person is not guilty, or give any other verdict which shows that he is not liable to punishment, he is entitled to be discharged from the charge of which he is so acquitted; provided that if on the trial of a person charged with any indictable offence, it is alleged or appears that he was not of sound mind at the time when the act or omission alleged to constitute the offence occurred, the jury are to be required to find specifically, if they find that he is not guilty, whether he was of unsound mind at the time when such act or omission took place, and to say whether he is acquitted by them on account of such unsoundness of mind; and if they find that he was of unsound mind at the time when such act or omission took place, and say that he is acquitted by them on account of such unsoundness of mind, the court is required to order him to be kept in strict custody in such place and in such manner as the court thinks fit, until His Majesty's pleasure is known.

That is the law to-day. The position is this: a person found guilty of murder is liable to the death penalty, but Section 653 provides for a qualified verdict to this effect, that an accused person is not guilty of the offence because at the time of committing it he was of unsound mind. Section 27 defines un-

sound mind, lays down the law as to what is to be considered unsound mind. I think it well to read Section 27 again—

> A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission.

The Bill I am introducing may be described as going half-way towards the abolition of capital punishment, in that it aims at preventing the infliction of the death penalty on a person who, though not of unsound mind according to the existing law, is yet mentally deficient. It sets up a distinction between a person who, according to our definition of insanity to-day, is insane, and a person who is mentally deficient. Our law defining insanity dates back to long-past years; there has been no amendment of the definition since 1843, when it was given. In that year the law as to insanity was laid down under extraordinary circumstances. Mr. Justice Fitzjames Stephen, of the High Court of Justice, Queen's Bench Division, in his "History of the Criminal Law of England," asks, "What are sanity and insanity?" and proceeds—

> The answer is that sanity exists when the brain and the nervous system are in such a condition that the mental functions of feeling and knowing, emotion, and willing, can be performed in their regular and usual manner. Insanity means a state in which one or more of the above-named mental functions is performed in an abnormal manner or not performed at all by reason of some disease of the brain or nervous system.

The present definition of insanity was, as I have said, given by the High Court of England in 1843. In that year a man named McNaghten was tried for the murder of a Mr. Drummond. McNaghten had a delusion that Sir Robert Peel, the English statesman, had done him an injury. McNaghten mistook Mr. Drummond for Sir Robert Peel, and shot him dead. He was tried for murder, and the medical evidence was to the effect that a person of otherwise sound mind might be afflicted with morbid delusions, and that the prisoner was in that condition, and that a person labouring under a morbid delusion might have a moral perception of right and wrong, but that in the case of the prisoner it was a delusion which carried him away beyond the power of his own control and left him no such perception, and that he was not capable of exercising control over acts which had a connection with his delusion; that it was the nature of his disease to go on gradually until it reached a climax, when it burst forth with irresistible intensity; that a man might go on for years quietly, though at the same time under its influence, but would eventually break out into the most extravagant and violent paroxysms. The questions left to the jury were "Whether at the time the act in question was committed, the prisoner had or had not the use of his understanding as to know that he was doing a wrong and wicked act; whether the prisoner was sensible, at the time he committed the act, that he violated the laws of God and man." The jury found the prisoner not guilty, and he was acquitted; and in consequence there was a great outcry throughout England. The House of Lords thereupon submitted to the judges certain questions to answer, but those questions were so narrowly set that the judges, in answering them, laid down a narrow view of insanity. Mr. Justice Stephen writes—

> I cannot help feeling, and I know that some of the most distinguished judges on the bench have been of the same opinion, that the authority of the answers is questionable, and it appears to me that when carefully considered they leave untouched the most difficult questions connected with the subject, and lay down propositions liable to be misunderstood, though they might, and I think ought to, be construed in a way which would dispose satisfactorily of all cases whatever.

That definition, I repeat, dates from 1843, and has not been the subject of amendment. I was anxious to show clearly that our existing definition of insanity declares that there is a deep and wide gulf between the normal man and the insane man. There is, however, between the two the man who is probably 50 per cent. deficient, and who, under our definition of insanity, would be declared sane to all intents and purposes. When conscription was introduced in the United States during the great war, the conscripts were examined, and the tests set gave each one of them the opportunity of gaining a maximum of 212 marks. The conscripts were divided into two classes—those drawn from the general rank and file of society, and those drawn from the universities and the professions. Of these conscripts, who were considered entirely sane and were certainly responsible to the law, some gained as few as 15 marks out of the possible 212, thus proving that

they had the minds of children. The average of marks earned by the average man was only 75 out of the 212, while enlisted men drawn from the professional classes gained as many as 165 marks out of the maximum stated.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. MANN: Prior to the tea adjournment I had endeavoured to establish the definition of insanity as it applies to crime to-day. I shall endeavour to trace the history of capital punishment to show it has not been a deterrent to crime, and further that it is not possible for it to have that effect for the reason that a person committing the crime of what we call murder has not the mental power to realise what he is doing, or if he has, he is unable to control his actions at the time. At the end of the 18th century the criminal law was especially ferocious and indiscriminate regarding the application of capital punishment to all forms of crime. In fact, in 1800, upwards of 200 crimes were punishable by the application of capital punishment. Almost every crime in the calendar was punishable by death, even down to stealing, unless the article purloined was of less value than 1s.

Mr. Davy: If you scribbled your name on London Bridge in those days, you were liable to be hanged.

Mr. MANN: Yes.

The Premier: "Them was the days!"

Hon. Sir James Mitchell: People were hanged, drawn and quartered!

Mr. MANN: By 1819 the number of crimes punishable by death had been reduced to 180. There was an awakening of public feeling in England at the time, and many prominent men took the lead regarding the question of capital punishment. The names of those who stand out as playing an important part in the movement for the suppression of the death penalty included Benson, Romily, Basil Montague, McIntosh and, later on, Sir Robert Peel. In 1838 Sir Robert Peel established the first police force.

The Premier: That is why policemen were called "Peelers" for many years.

Mr. MANN: Sir Robert's object was to control the people by moral force, rather than by means of an abominable and heavy punishment. That the system was effective the figures I shall quote will prove. In 1831, 1,601 people were executed for various crimes apart from murder. In 1833, the number had fallen to 931. In the year following the administration of Sir Robert Peel and the formation of the first police force, the number of people executed for various crimes, apart from murder, had dropped to 116, and in 1862 the number had fallen to 20.

Mr. Davy: Does that refer to all instances of capital punishment?

Mr. MANN: Yes; for offences other than murder. On the other hand, the following figures will demonstrate that the retention of capital punishment had no effect as regards the crime of murder. In 1831, 14 people were convicted for murder and executed; in 1838 there were 25 people convicted for murder, and in 1862, 28 persons were convicted. Thus, while on one hand we note that the abolition of capital punishment for various crimes had the effect of reducing the number of executions from 1,601 down to 20, the reverse is noticeable where the retention of capital punishment affected the crime of murder, for the number of convictions were doubled from 14 to 28. That demonstrates that capital punishment is no deterrent to the crime of murder.

Mr. Davy: How many were there in 1926?

Mr. MANN: I cannot say, but the hon. member will have an opportunity of looking that up. I am sure of this point, however, that the crime of murder has not decreased in proportion to other crimes, because murder is committed by persons who are unable to think or act for themselves.

Member: Always?

Mr. MANN: Yes, always. The person who commits such a crime has not the mental balance that is possessed by the normal individual.

Mr. Brown: Are you opposed to capital punishment?

Mr. MANN: What have I been talking for? Surely, Mr. Speaker, my task is hopeless!

The Premier: If the member for Pingelly had waited a little longer, you would have come to that point!

Mr. MANN: I want to emphasise the point that Sir Robert Peel, by the appointment of a police force, whose duty it was to exercise a moral influence over the people—in point of fact, their work had that effect—secured that end and the police force had a greater effect in the prevention of crime than had the application of the death penalty previously. Our duty to-day is to police the mind of the mentally deficient. Our duty is to do that as in earlier days Sir Robert Peel performed a similar function regarding

the individual when he formed the first police force. In support of my remarks, I wish to read extracts from authorities who have given great consideration to this question. As I pointed out earlier in the evening, I have been unable to find a single authority who supports the retention of capital punishment. Those who have had an opportunity of studying crime and criminals are, with one voice, crying for the abolition of the death penalty. I have a book written by James Devon, who was the medical officer attached to His Majesty's prison at Glasgow. He has had a lifelong experience with criminals. He said—

> Short of cases of certificable insanity, there are a number of prisoners who are mentally defective. The total is small, but the individuals command an amount of attention and cause an amount of trouble to the public out of proportion to their numbers. In some cases the defect consists of delayed development; the body and the passions have grown at a greater rate than the mental powers, but time and training would be likely to establish an equilibrium.

That is the point I had in mind when I said Sir Robert Peel set out to exercise a moral influence on the people by the establishment of the police force. The authority I have quoted emphasises that time and training are likely to establish mental equilibrium on the part of those born mentally deficient. It is our duty and our responsibility as a people to see that these mental deficients have their minds trained and developed to the utmost. If we do that—it is our duty to do it—there will not be so many indictments for the crime of murder.

Mr. Marshall: Do you suggest that every criminal is insane?

Mr. MANN: No, I suggest that a great proportion of those who commit the crime we call murder are mentally deficient.

Mr. Davy: Why only those who commit murder?

Mr. MANN: Because I am dealing with the crime of murder for the time being. During the evening I shall be able to show that all criminals are either abnormal or subnormal. If they were normal, they would not be criminals. Just as it would be impossible for the member for West Perth (Mr. Davy) to commit some crime of violence, so it would be——

Mr. Davy: Don't tempt me too much!

Mr. Marshall: If you sat over here and observed the countenance of the member for West Perth on occasions, you would doubt your own statement!

Mr. MANN: The outstanding fact I have to establish is that the death sentence has been no deterrent to the crime known as murder. In support of that I have a statement made by the President of the American Prisons Association, Mr. Lewis F. Lawes, Warden of Sing Sing Prison, New York. He has come to the conclusion that capital punishment is futile. He states this conclusion in a new book entitled "Man's Judgment of Death," and bases it not only on his personal contact with hundreds of murderers whom he has known and with whom he has talked in very solemn moments, but also on objective evidence presented in nearly 40 tables and charts. In a report dealing with the conclusions of Mr. Lawes, it is stated—

> The deterrent argument, he says, rests on the erroneous supposition that life is the most valued possession of man, whereas there is no fear nor thought of death in the minds of most murderers. There are many shootings, upon slight or no provocation by bootleggers, burglars, or traffickers in drugs. In one case police officers were killed for no better reason than because the offender feared to be cross-examined in the police station. After the electrocution of Police-Lieutenant Becker and four gunmen, five more were in the death house at Sing Sing Prison within a year.
>
> Mr. Lawes contends that the death penalty conforms to none of the best ideas of modern criminology. He points out that in fifteen out of the forty American States in which juries are permitted the choice between the death penalty and life imprisonment, they have chosen the latter, in a ratio of more than five to one.
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> We have tried capital punishment for many generations in a great majority of our States. Yet we have a homicide rate to-day—and always have had—to which in comparison with other nations we cannot point with pride. In those States where capital punishment has been abolished the record is better than where it exists. There have been greater increases in homicidal crimes occurring in States that have always retained the death penalty than have ever occurred in States where it has been abolished.

That is the statement of a man who has given a life study to criminals and murderers. It is surely something we should consider. An English coroner at an inquest in Durham gaol, after an execution, declared that capital punishment was not a deterrent to crime. So we have leading criminologists in America and in England all agreeing that the death penalty is not a deterrent to crime. The reason is that the person who commits the crime is not capable of understanding the enormity of his action. We, with our normal minds,

judge his actions from our own point of view. We consider his crime an enormity just as it appears to us, because probably we are within a reasonable distance of being 100 per cent. mental, and we do not know the percentage of the individual who has committed a crime. But we do know from authoritative records that men considered sane, men following their lawful occupations, have been as low as only 15 per cent. mental. That was established during the conscription in America, when all the men conscripted were put through a mental test, under which they were able to show 212 points. They were divided into two classes. One consisted of ordinary individuals. They averaged only 75 points out of the possible 212 points, and some of them were as low as 15 points. Those considered to be professional men, drawn from universities and other classical institutions, averaged as high as 155 points. So we who are fortunately placed within reasonable distance of being normal judge the actions of another individual according to our own minds, when actually we have no knowledge of the condition of his mind.

Mr. Davy: The passage of this Bill would mean practically the abolition of capital punishment.

Mr. MANN: I hope that will be the effect.

Mr. Davy: Then why not go straight for it?

Mr. MANN: Because I am afraid the people have not yet been educated up to that point. Immediately a crime is committed, there is a wave of feeling clamouring for the tearing of the criminal to pieces.

Hon. G. Taylor: Not always.

Mr. Davy: Then this Bill would deceive the people and get them up to the point where you dare not ask them to go.

Mr. MANN: No, it would not deceive the people. But it would give juries the right to find, according to the evidence given at the trial, whether or not the accused was normal or mentally deficient.

Mr. Marshall: Would the member for West Perth be in favour of hanging the mentally deficient?

Mr. MANN: There would be a great outcry if a lad 10 or 12 years of age, on his trial for murder, was convicted and executed.

Mr. J. MacCallum Smith: Have you ever heard of such a thing?

Mr. MANN: No, but adults with minds possibly not further developed than is that of a lad 10 or 12 years of age have been executed for murder. Such cases have come within my own knowledge. While we would not hang a lad 10 or 12 years of age, we hang adults whose minds are not more fully developed than is that of a lad of 10 or 12 years of age. Here is an opinion of British medical men on mental defectives. This is from the report of a conference of the British Medical Association concerning the treatment of mental defectives. Dr. East, medical officer in the Brixton common gaol, said that out of six men who were under observation while awaiting their trials for murder three were insane. He added that early diagnoses and courses of treatment would have prevented the murders those men committed. That brings me back to our duty to the mental defectives. If they were taken in hand and their minds developed to the utmost, we should get good results. But if they are allowed to run as their will impels them, there is for them no alternative to a life of crime. Speaking at the same conference, Dr. William Potts was reported as follows:—

> The number of mentally defective persons in England and Wales, apart from lunatics, was estimated at 149,600, of whom it was calculated that 665 were in urgent need of provision being made for them in their own or the public interests. All mental defectives who were at large were a potential danger, and in proportion as modern industry became more complicated their opportunities for wrong doing increased. He was confident that the public would welcome a thorough preliminary medical examination to determine the extent to which an offender was a deliberate wrongdoer or the victim of his environment.

Then Dr. Gibbons said as follows:—

> It was never known for two mentally defective individuals to become the parents of a normal child. One could be reasonably certain by the time a defective child reached the age of 16 years how much benefit it could obtain by treatment from segregation and so forth. If there was no indication of such a child ever being regarded as normal or as approaching normal, steps ought to be taken to prevent it from ever becoming a parent.

However, my point lies in the earlier paragraph, where Dr. Potts said he was confident the public would welcome a thorough preliminary medical examination in order to determine the extent to which an offender was a deliberate wrongdoer or the victim of

his environment. To that I might add, or of heredity.

The Premier: Yes.

Mr. MANN: Here is another report, dealing with the mentally unfit. It is signed by 10 well-known medical men, and it occurs in a letter on the subject of sterilisation. That does not affect my point, but I will read one paragraph that does. The signatories were Sir William Arbuthnot Lane, Sir Bruce Bruce-Porter, Sir Alfred Fripp, Sir James Dundas-Grant, Dr. R. A. Gibbons, Sir Thomas Horder, Sir James Purves Stewart, Mr. T. E. Knowles Stansfield, Sir George Robertson Turner, and Sir John Thomson-Walker. The paragraph is as follows:—

"According to the last annual reports there are in Great Britain over 201,000 mentally affected individuals. Of these, over 51,000 are congenital mental defectives, for many hundreds of whom no vacancies in existing institutions are available. In addition, there are many mentally deficient individuals who are taken care of by relatives or friends, so that the above appalling figures are by no means comprehensive. It is with the mentally deficient only we wish to deal in this letter. In the vast majority of cases, heredity is the cause of mental deficiency. We feel that the time has more than arrived when something definite in the way of treatment should be undertaken in lessening the number of mentally deficient children. We know that we have the means in our power if we are supported by legislation. As our aim is radical improvement, we consider it to be the duty of the medical profession to impress upon the public the immense importance of hereditary tendencies in dealing with mental defectives. The 'fundamentals of the mind' are begotten with the body, and predetermine character and conduct. The offspring of mental defectives are themselves mostly mentally deficient. We feel that it is because the general public have never fully realised the enormous influence of heredity that the question of the thoroughly efficient treatment of the mentally deficient has not long ago been ventilated.

There we have the leading medical men of England meeting in conference and coming to a unanimous decision regarding the mentally deficient.

Mr. Marshall: Not every mental deficient is a criminal.

The Premier: Certainly not. Otherwise many of us would not be here.

Mr. MANN: The hon. member, surely, misses the point. Although not all mentally deficient persons commit crimes, those mentally deficient persons who do commit murder should not forfeit their lives as if they were mentally normal; for they are not able to control themselves as a normally-minded person can.

Mr. Davy: You also say that no person commits murder who is not mentally deficient?

The Premier: Whilst not all mental deficients commit murder, all murderers are mental deficients.

Mr. MANN: That is so.

Mr. Marshall: Your argument is not consistent.

Mr. MANN: I do not know from what point of view the hon. member sees that. We could not appreciate the number we have in these statistics, 201,000 mental deficients, committing murder. But I say that those who do commit murder should not forfeit their lives as if they were mentally normal.

The Premier: There are some pretty solid authorities to support you in those views.

Mr. MANN: Here is the work of a well-known criminologist, Havelock Ellis.

The Premier: One of the greatest.

Mr. MANN: Havelock Ellis writes—

The investigations at Elmira show that in nearly 50 per cent. the home was "positively bad," and only "good" in about 10 per cent. . . . . Allison, superintendent of the Matteawan State Hospital, New York, is impressed by the frequency with which very serious crime, especially murder and violent assault, occurs in the same family. He notes that at Matteawan such cases as the following were all confined at the same time (1898):—Two brothers, one convicted of two assaults to kill and the other of robbery in the first degree; two brothers, both accused of murder in the second degree; two cousins, both charged with assault to kill; father and son, father had committed four homicides and the son was indicted for assault to kill; two sisters, one accused of assault to kill and the other of assault in the third degree; two brothers, both convicted, one of murder and the other of forgery; two brothers, both committed murder in the first degree.

Morrison (another criminologist) found that among the inmates of English industrial schools, 51 per cent. or more than half are either illegitimate or have one or both parents dead, or are the offspring of criminals and parents who have abandoned them. Even when the parents are alive, "in nine cases out of ten one or other of these parents is distinctly disreputable." Morrison concludes, concerning the parents, that "at the very least 80 of them in every hundred are addicted to vicious, if not criminal habits."

Magri, in Italy, has pointed out another tendency in the heredity of criminals, though it has scarcely yet been widely confirmed. He finds that criminals very frequently belong to large families. He has found on questioning criminals that they belong with remarkable frequency to large families. He has also found that epilepsy, hysteria and neurasthenia flourish in large families. This is in a line with the fact that high evolution diminishes the number of offspring. Magri finds a special

cause for degeneration in large families from the precocious senility and organic exhaustion produced in women by much child-bearing.

Ellis goes on to say—

The history and genealogical tree of a very remarkable Brittany family of criminals through five generations has been published by Aubry. The history begins in the last century with Aime Gabriel Kerangal and his wife, who were both normal so far as is known. The outcome through five generations has been a family of eccentrics, of criminals, of friends of criminals, and of prostitutes, but none of them were insane or at all events recognised as insane. It is very interesting to find that one branch of the family is free from crime, and includes a poet and a painter of great talent, who have both reached high social position. Suicide, incest, and all sorts of reckless licentiousness have flourished in this family. Their impunity has been very remarkable, although besides their proved crimes there have been various attempts at crime and many merely suspicious occurrences. Crimes of blood are laid to the charge of seven persons in the genealogical tree; other offences to nine persons.

There is definite evidence of weakness running through families although the mother and father originally, so far as was known, were normal. At any rate they had exhibited no sign of violence; they had done nothing that brought them under the notice of the authorities. Maybe their deficiency of mind, though not known, still existed, or if it did not exist in them it probably existed in a previous generation. At all events it manifested itself in the lives of their children and for five generations. It manifested itself for five generations in a marked degree, as the descendants included murderers and criminals of violence, while the women were of a low type. Ellis proceeds to mention the Jukes family of America. He says—

The so-called Jukes family of America is the largest criminal family known, and its history, which has been carefully studied is full of instruction. The ancestral breeding-place of this family was in a rocky, inaccessible spot in the State of New York. Here they lived in log or stone houses, sleeping indiscriminately round the hearth in winter, like so many radii, with their feet to the fire. The ancestor of the family, a descendant of early Dutch settlers, was born here between 1720 and 1740. He is described as living the life of a backwoodsman, "a hunter and fisher, a hard drinker, jolly and companionable, averse to steady toil," working by fits and starts. This intermittent work is characteristic of that primitive mode of life led among savages by the men always, if not by the women, and it is the mode of life which the instinctive criminal naturally adopts. This man lived to old age, when he became blind, and he left a numerous more or less illegitimate progeny. Two of his sons married two out of five more or less illegitimate sisters; these sisters were the Jukes. The descendants of these five sisters have been traced with varying completeness through five subsequent generations. The number of individuals thus traced reaches 709; the real aggregate is probably 1,200. This vast family, while it has included a certain proportion of honest workers, has been on the whole a family of criminals and prostitutes, of vagabonds and paupers. Of all the men not 20 were skilled workmen, and ten of these learnt their trade in prison; 180 received out-door relief to the extent of an aggregate of 800 years; or, making allowances for the omissions in the record, 2,300 years. Of the 709 there were 76 criminals, committing 115 offences. The average of prostitution among the marriageable women down to the sixth generation was 52.40 per cent.; the normal average has been estimated at 1.66 per cent. There is no more instructive family in criminal heredity than that of the Jukes family.

There we have evidence of 1,200 persons who were descended from the same stock and were undoubtedly mentally deficient. In their day they were not considered insane: nor would they be considered insane to-day. We would describe the man as a lazy brute who did not take kindly to work. We would not take a very serious view of his idleness, but he would be amenable to the laws of the land, and rightly so. The movements and actions of such a man must be controlled, just as are those of other men and women, but are we, whose minds are normal, entitled to take the life of such an individual who is not normal?

Mr. Davy: Are we entitled to put him in gaol for life?

Mr. MANN: We are entitled to do something to control his movements.

Mr. Corboy: We are entitled to protect the rest of the community.

Mr. Davy: That is done by putting him in gaol.

Mr. MANN: We are entitled to put him in gaol for two reasons: to prevent his throwing any progeny on the world and to prevent a repetition of his crime. But life is sweet and it is not ours to give or take. We as normal minded people commit another crime when we take the life of one who is unable to think and act for himself.

Mr. J. MacCallum Smith: We have Biblical authority for that.

Mr. Corboy: You have not. You cannot find one passage in the Bible supporting that.

Mr. MANN: As the hon. member has quoted Biblical authority, let me remind him that the first murderer in the world was reprieved by God.

Mr. Corboy: He was branded as a murderer.

Mr. MANN: Cain, when he slew Abel, instead of being executed was branded, so the hon. member's interjection falls to the ground.

Mr. J. MacCallum Smith: That is because there was then no hanging.

Mr. Corboy: He was branded so that others would not kill him for his crime.

Mr. Richardson: I think you are getting into deep water.

Member: There was no hangman then.

Mr. Corboy: And there ought not to be now.

Mr. MANN: I have a report of a meeting held in London of the great International Prison Congress, and it speaks of cheering reports of steadily emptying prisons almost all over the world. The report says—

> This encourages us to raise a further question. How far are we now prepared to treat crime as a medical problem? In other words, is crime preventable? Is the criminal curable? My own first vivid realisation of crime as a medical problem (writes Dr. Woods Hutchinson, a leading American expert, in the London "Daily Mail") dates from a visit to the State Home for Feeble-Minded Children at Vineland, New Jersey. On tracing the pedigree of inmates it was found that nearly one-third of the 700 children were as closely related as second cousins. In tracing a new family of delinquents and paupers, it was found that in the same towns and regions was another large family who had the same name but were all prosperous and law abiding citizens. On looking up the pedigree of these families it was discovered that both were descended from one common ancestor about seven generations back. A young man of good family ran a little wild, and for some time lived with an attractive, but feeble-minded and delinquent girl, by whom he had a child. Then he went away to the war of 1776, and on his return reformed and married a respectable girl of excellent family, and had several children. From his child by the feeble-minded girl sprang a family reaching some 150 members in seven generations, nearly all of whom were feeble-minded, petty thieves, drunkards, prostitutes, paupers. From his marriage with the girl of good family sprang a second group of about 120 in the same time, all of whom, with the exception of a few hard drinkers, were respectable, prosperous, law-abiding citizens of good standing in the community. Weak wit, crazed by wild blood—and we see the sins of the fathers visited upon the children unto the fifth and sixth generations. Wild blood, steadied by sound stock—and the lines "have fallen unto us in pleasant places." One family born to honour; the other to dishonour.

Then came the revelations connected with the famous Jukes family, a tribe of Ishmael, to which I have already referred.

> In the great State of Indiana careful field studies revealed that nearly 35 per cent. of the crimes committed in a ten-year period by native offenders were the work of five defective and criminal families. Feeble-mindedness probably accounts for 30 per cent. of the crimes, and 90 per cent. of pauperism and prostitution. But planned crimes of violence require strength, brains and courage. Fifteen years ago the great Kraepelin discovered and described a new form of insanity, dementia precox. Such a revolutionary discovery was it that within 10 years 45 per cent. of the insane in our asylums were classed as dementia precox. This was probably excessive. Now a similar revolution is taking place in our views of crime, and from 30 to 75 per cent. of our criminals are classed as precox, which is also probably excessive. But careful and competent psychiatrists attached to courts, like Jacoby of Detroit, now regard from 10 to 15 per cent. as insane, from 30 to 40 per cent. as feeble-minded, and from 30 to 40 per cent. more as of psychopathic constitution, or in plain English cranks and misfits, making from 65 to 75 per cent. mentally defective or unbalanced.

Take those two families from the same paternal side. Is it not the good fortune of one family of several generations, numbering from 120 to 130, that they were mentally balanced, that they were able to meet the trials and troubles of this world, and to stand up to the difficulties they encountered? Is it not the misfortune of the family of the same number of generations, bred from a weak mother, that its members were not able to stand up to the trials, the troubles and the problems they had to face in the world, so that they went under, became criminals, were weak-minded, and were unable to face life in the way the normal-minded family did? Whilst I admit the law of the land must control all alike, surely no one would suggest that we should take the life of one who was not able to do and think for himself as was the case with a member of the more fortunate family. The family with the strong mind was not likely to commit crime. Its members were capable of reasoning, and would reason the thing out. The unbalanced man is not capable of reasoning from a sound point of view. In the course of the many years during which I had to do with criminals, I tried to reason with them as to the crimes they committed. It was amazing to find the avenues along which they argued. Their reasoning was unsound, of course, but to them it was reason. Here is a case which

was heard recently in our own courts. I think the Minister for Justice probably had this in mind when speaking earlier in the evening. The case is headed "A Pathetic Children's Court Case." In his statement Inspector Bulley said that provision should be made for this boy and boys of his class. If we had a prison farm where we could send these boys, where they would be made to work hard and become tired, their minds would be so occupied that they would not continue their degenerate habits. "As it is," says Inspector Bulley, "I have known this boy for a long time and he is fast degenerating." The boy was then 18 years of age. He was examined when 15 by the department's psychologist, and his mentality was that of a child of eight, and it did not increase although the years went on. He was then 18, but his mentality still stood at eight. We do not look upon this boy as a child of eight. The world looks upon him as a youth of 18. If he lives to be 28 or 48 his mentality will still be that of a child of eight. It is impossible for him ever to have any thinking power beyond that. That is the state of his mind. It was a shocking case, and I will not read the whole of it. The Bench did not seem to know what to do with the boy. They decided to impose a sentence of six months' imprisonment. In announcing the decision the chairman said they desired that while the boy was at the gaol he should be watched. It may be that if the lad had been taken, as was stated by the authority I quoted, early in life, and his mental power examined, up to eight years of age, instead of being turned for evil, with proper instruction and proper tuition he might have been turned for good. I have several times visited the Seaforth Home for deficients at Gosnells. Any member who has any doubt in his mind as to the responsibility of the State towards mentally deficient children ought to spend half an hour or an hour at the home. I have been there several times, and was there on the last occasion with the Minister for Health. There we found lads up to 18 and 19 years of age who had been tested scientifically by the psychologist, and that officer will tell members that the minds of these lads are no more developed than those of boys of eight or nine.

Mr. Davy: Would a boy like that be obviously in that condition. Would any ordinary person notice it?

Mr. MANN: No.

Mr. Davy: Would it appear in conversation with the boy?

Mr. MANN: He might display some nervousness.

The Premier: It would be obvious to the trained mind, but not to the average person. The man in the street would not see the difference.

Mr. Sampson: The boy would have to be closely examined for the difference to be detected.

Mr. MANN: By putting such a lad into this institution, the very best is to be got from what may be termed the worst; that is to say, his mind will be developed to the utmost, and in the right direction. His mind will be so developed that he may be able to overcome the obstacles that he meets with in the course of his life. He may be able to earn his living, just as a hewer of wood or a carrier of water. He may be able to do some light labouring work on a farm. It is not possible to put such people to skilled work. Even if they do learn a trade, up to a point, they are not capable of going out into the world and entering into competition with tradesmen in a similar line. They are too slow, and would not be able to keep pace with the stronger mentality they would meet. There was one case of a lad the Seaforth authorities had struggled with for two years in an endeavour to teach him the alphabet, but they were unable to succeed. After trying one avenue after another they found that the boy had an inclination for wood carving. He was, therefore, put on to wood carving and has been doing very well. When the boys leave the institution they go out as farm hands and into different avenues of life. The fact that they are deficient does not follow them. They go away as normal-minded lads or young men. They have to face life and accept the responsibilities of life just as if they were mentally normal. If in the course of three or four years in a place in which they are unknown they do something, such as taking the life of an individual, no investigation is made and no inquiry conducted to ascertain their antecedents. They have committed a murder. They are placed on trial, and on the facts are found guilty. They are regarded from

the point of view of manhood and not from that of boyhood. In the ordinary course of events they forfeit their lives and are executed. By the introduction of this Bill I am giving the jury an opportunity to decide whether the person charged is mentally deficient or not. There would also be a responsibility upon the Crown as well as the defence to bring out any points in connection with the individual who is charged with murder. I have here a report by Mr. Hill, the consulting psychologist of the Government school, the Seaforth Boys' Home at Gosnells. In paragraph 8 this officer says—

> What becomes of untrained, unsupervised, and uncared for mental deficients. They swell the ranks of the unemployed, quadruple the work of the courts, pack the gaols, commit murders, are always the prey of the unscrupulous and the tool of the extremist, and in the case of females induce immorality and its attendant evils. Investigations of mental deficients give us cause for alarm. The noted Kallikak case shows that of 480 descendants of a mentally deficient girl, 36 were illegitimate, 33 were sexually immoral, mostly prostitutes, four were confirmed alcoholics, three were epileptic, 82 died in infancy, three were criminal, and eight kept houses of ill-fame. Studies of other mentally deficient families show similar results.

There we have the evidence of an official engaged by the State Government to deal with the mentally deficient. It is the evidence of a gentleman who is wrapped up in his profession. If members have any doubt about that they have only to pay a visit to the school, where they will see the wonderful work that this gentleman is doing. He is so impressed with the position that he makes this part of his report. I have here a case appertaining to this State. It is a family tree prepared for me by one of our leading medical practitioners, with the assistance of the late Dr. Anderson. It covers four generations. In the first place a normal-minded man married a female with some mental affection. They had four sons, whom we may describe as 2, 3, 4, and 5. No. 3 married and had four children, whom we describe as 6, 7, 8 and 9. No. 5 married and had three children, two boys and a girl, whom we will describe as 10, 12 and 13. This is the history of that family. No. 2, the first offspring, a son of the original marriage, committed suicide. No. 3, after being married and having four children, also committed suicide. No. 4 never married. He had religious mania. No. 5, who married, had three children and died in an asylum. No. 6 is apparently all right. No. 7 who married had three children, and afterwards went to Africa. No. 8 who married and had one child, had delusions and died of phthisis. No. 9, a girl, was pregnant at 15. No. 10 committed suicide, as did No. 12, and No. 13, who was the mother of five children and married to a normal-minded man, at the birth of the fifth child attempted to commit suicide. The husband of this woman was naturally much concerned to find that his wife had made this attempt. Just following upon that, No. 10, who held an excellent position in this State, who was apparently without any serious cares, who was much respected, shot himself, without rhyme or reason. Then the husband of the sister began to think that possibly there was something wrong in the family, and called in his medical adviser. That gentleman went into the family history, and with the assistance of Dr. Anderson traced out the facts I have narrated. Surely in this instance there is evidence of a strain of insanity running right down through four generations. Up to the present, No. 6 has been all right, but probably there is still in the man's mind a weakness which, should it not develop in his lifetime, may develop in that of his children. The point I wish to make, however, is that if No. 6 took the life of another person, he would have to pay the full penalty of the law. He would have to forfeit his life because it is no one's business to go into the history of the parents and grandparents of an accused person. He would suffer death whilst probably he was not, in fact, capable of controlling his actions at the time of committing the so-called murder. That is further strong evidence that at the trial of a person for murder his family history should be considered by the jury. If there are the necessary supporting facts, the jury should be empowered to find that although the accused was guilty of the crime of murder, yet at the time he committed the offence, he was suffering from a natural mental deficiency, and in that case the penalty would be imprisonment for life, and not execution. This question has received consideration among all civilised nations, and many States have abolished capital punishment. I have ascertained that in France, where capital punishment has not been abolished, a law has been enacted on lines much akin to those of this Bill.

Mr. Davy: In France capital punishment was abolished and reinstated.

Mr. Marshall: Yes, some years ago.

Mr. MANN: On that point I may adduce the following:—

> Supporters of capital punishment frequently quote France on the subject, generally erroneously. Let me point out that the French criminal law empowers a jury trying a case of murder themselves to abolish capital punishment by adding a rider to their verdict of extenuating circumstances. This actually prevents the judge from passing sentence of death: the most he can do is to award life imprisonment. The nearest we have here to it is a recommendation to mercy; but this is a mere sentimental appeal to the Home Secretary, of which he may or may not take any notice. Frequently he does not. It has not the force of law behind it which the French rider has.

So we find that every country is concerned about the death penalty; but there seems to be—I do not know why—a certain timidity with regard to moving towards its abolition. In early days the death penalty was inflicted on the score of revenge. Not only was a person guilty of killing, killed in his turn to avenge the murder, but all his property, everything that he posessed, was forfeited on the plea of revenge. As civilisation advanced, the suggestion of revenge was dropped. No one to-day supports capital punishment on that ground. If a person is asked his reason for supporting capital punishment, he will almost invariably fall back on the idea that the death penalty is a deterrent.

Mr. Marshall: That is not right.

Mr. MANN: I have been unable to find anyone prepared to attempt the justification of capital punishment on the score of revenge.

Mr. Marshall: That is not it, either.

Mr. MANN: Capital punishment is supported on the plea that its infliction prevents others from committing the crime of murder. I contend that capital punishment is not a deterrent, serves no good purpose, and should no longer remain on the statute-book, at all events as regards the mentally deficient. However, I do not wish to confuse the mentally deficient with the insane. Those two conditions are totally distinct. An insane person is openly accepted and acknowledged as not being sane.

Mr. Davy: But insanity is not always very apparent, is it?

The Premier: No, but it usually can be demonstrated by medical men.

Mr. Davy: Yes, and I suppose mental deficiency can be, too.

Mr. MANN: It is not always apparent, even to alienists.

The Premier: They frequently differ.

Mr. MANN: Here I have an authority, "Insanity and the Criminal Law," a work by Wm. A. White, M.D., author of "Mechanisms of Character Formation" and "The Principles of Mental Hygiene." Dr. White states—

> The test of insanity as laid down in the law centres about three matters; namely, the knowledge of right and wrong, the existence of delusion, and the presence of an irresistible impulse. Of course by insanity is meant the legal conception, notwithstanding the fact that the word has come to be used as if it had a medical meaning. Insanity is purely a legal conception and means irresponsibility, or incapacity for making a will, or for entering into a contractual relationship, or for executing a conveyance or what not, as the case my be. These tests are essentially medical in character. The tests of delusion and irresistible impulse are obviously so, while the right and wrong test, although it is often defined as a sufficient knowledge to know that an act was prohibited by law, easily becomes medical when the question is raised of a state of mental defectiveness sufficient to preclude such knowledge. But, as Keedy says, "these symptoms represent but a small portion of the phenomena of mental disease, and they have no necessary relation to the ordinary legal rules for determining responsibility. They are simply obsolete medical theories crystallised into rules of law." Thus have medicine and the law become inextricably mixed up, until it is generally supposed that insanity is a medical term; in fact, that insanity is a disease which it is the business of the law to define, and of the expert to determine whether the defendant has the disease as thus defined and is therefore irresponsible and incompetent, or has not and is therefore responsible and competent. In this confused state of affairs, lawyers and doctors talk at each other in the court-room, each using different language, each approaching the problem with different traditions and different objects, and neither one understanding the other. Little wonder that expert testimony is now calculated to lead to confusion rather than to clarification. However possible it may have been at one time for the medical and the legal professions to come together on these tests and find in them a basis of common understanding, that day has long since passed, at least from the standpoint of the specialist in mental medicine. The standpoint from which he approaches the problem of human behaviour no longer makes it possible for him to be dogmatic and categorical in his replies to the questions of the lawyers on these points. Impulses, delusion, knowledge of right and wrong are no longer conceived as concrete entities that either are or are not.

No law exists by which we can definitely declare whether a person is sane or insane, or whether a person is mentally deficient or

not. We must be guided by the circumstances in each case. Here I have an authority entitled "Crime and Criminals, being the Jurisprudence of Crime, Medical, Biological, and Psychological," by Charles Mercier, M.D., F.R.C.P., F.R.C.S., who says—

> Habitual criminals are of two main classes, each of which is again divisible into two by the application of the same differentia. The first division is made according to whether the criminal has an active criminal propensity which impels him usually from the earliest age, to the commission of crime, and which no circumstances can mitigate; or whether he drifts into crime quasi-passively, as the course of least resistance and the easiest way of making his living, and may be reformed by appropriate measures if he is taken in hand early enough. Criminals of the first of these classes are true "instinctive" criminals. Their criminality appears to be innate; at any rate, it shows itself at a very early age. They are born with desires and aversions, with a peculiar mental constitution, with a way of regarding themselves and others, that of itself tends very strongly to plunge them into crime, and that no training, no education, no care in upbringing, no system of rewards and punishments has any appreciable effect in modifying. Such persons appear sporadically in normal families of good social position, of law-abiding disposition, whose other members—fathers, mothers, brothers, sisters, and more remote relatives—are upright, moral and socially normal members of society. In the language of breeders, criminals of this class are "sports." They are aberrant specimens of the race, as are albinos, or persons born with hare-lip, or cleft palate, or without arms or legs. As in these, the development is deficient. It falls conspicuously short of the normal in one particular respect. It is a defect, not of pigment or of structure, but of a mental faculty, of what is called "the moral sense"—that is to say, of the social instinct. Certain fundamental instincts are born in all normal persons. The instincts to suck, to grasp, to convey to the mouth what is grasped, to cry, all show themselves in infancy, and show themselves in all normal children, irrespective of education and training. In later life, new instincts, which also we may regard as innate, come into play. We may regard them as innate because they arise spontaneously in everyone as soon as a certain age is attained.

I could read on but I have read enough to show that this very high authority agrees that even in a family where the majority are upright, moral, and socially normal members of society, there may be one so abnormal that even training from infancy has no possible chance of turning him into a normal being. I am sure every member of the House has heard such a remark as this—I have frequently heard it—"There was no excuse for him; look at his brothers and sisters; see what they are; he had the same chance as they had, but he did wrong while they did right." You, Mr. Speaker, have heard that remark, and I have little doubt every member of this Chamber has heard it. If one out of half a dozen goes wrong, no one says, "It is unfortunate, and the man must have been born mentally weak." That possibility is never taken into consideration, simply because the man had the same chance as his brothers and sisters and did not take advantage of it. But according to Dr. Mercier, he never had the same chance, his mental make-up not being as theirs. Therefore he could not do as they did. If such a man did something that is termed murder, would there be any consideration for him at all? Would his mental constitution be considered? Of course not. He would be judged according to the standard of his sane and normal brothers and sisters. All would be sorry for them and for his parents, but he would have to forfeit his life because he was not as normal as they were. Yet this high authority says that such a man had no chance whatever!

Mr. Davy: Are you not supporting the doctrine of predetermination?

Mr. MANN: This authority deals with that problem. There is a case I have always in mind. It relates to a woman I first knew 30 years ago, in my capacity as a detective officer. Knowing her life's career, I can assert that she was not a woman who was naturally a prostitute. On the other hand she had an inclination to live with wild and vicious men. Her inclination was always to have as her mate or paramour the most dangerous of criminals, the worst there could be. During the time I have known this woman she has had eight or nine children. The father of the first two has been in gaol several times for robbery under arms and for robbery with violence. For those crimes he has been sentenced to six years' imprisonment, seven years' imprisonment and so forth. The father of the next two or three children had to serve a sentence in Queensland for shooting a policeman. So I could go on disclosing the parentage of the remainder of her children. The eldest of them is to-day entering upon manhood. I remember the first offence he committed. He was then 14 years old and had been sent from one of the orphanages to an orchard at Chittering Brook. There was a picnic, and be-

cause he was not allowed to go he set fire to the farm and did £3,000 worth of damage. That was his start and he has gone on to a life of crime along the lines pursued by his ancestors. I think he is in prison now. Some of the police officers tell me that as the woman's daughters grow to womanhood they are all "going on the town." Could we expect anything else seeing that they were born in iniquity, sin and crime? They have known nothing else. They inherited it and their environment has confirmed them in a life of that description.

Mr. Lindsay: You are putting up a better argument for sterilisation than for the abolition of capital punishment.

Mr. MANN: The hon. member can suggest that, but I claim that these individuals to whom I have been referring are not capable of summing up the position for themselves. They are not capable of reasoning, for they have not the power. They do not look upon crime as we do; they are not capable of doing it. Yet if any one of these people commits a crime, such as murder, he will have to forfeit his life irrespective of the condition of his mind.

Mr. J. MacCallum Smith: What is the remedy?

Mr. MANN: One remedy is to exploit the avenue of an improved social system. That is a remedy that decreased crime many years ago.

The Premier: Yes, an improved environment will help to overcome the hereditary influence.

Mr. MANN: Yes, it will have that effect. The argument advanced at the medical conference in England, to which I have referred, namely sterilisation, would prevent the increase of mental defectives, but that is not the point we are debating to-night. We are considering whether individuals, defective in their mental powers should forfeit their lives for committing what we call murder, and whether they are as responsible as we who are normal. I say emphatically that although they are, and should be, responsible to the laws of the land, it is vicious on our part to take their lives, seeing that they are not capable of controlling their actions as we are. I have dealt with this question from the points of view of insanity and of mental deficiency. I have endeavoured to show that the mere taking of a criminal's life, because he has committed murder, is no deterrent. That is proved by statistics and by the fact that murders are still committed. That murders have not decreased, while other crimes have decreased, and are continuing to still further decrease, is surely significant. Murder is the outcome of sudden impulse, or of an uncontrollable will. Such a person cannot grasp the extent of what he is doing when he commits the crime. If such an individual cannot comprehend the seriousness of the crime, he can have no thought regarding the effect of it, or the natural results. No person committing the crime of murder considers the effect of his action. That is the last thing he will have in his mind.

The Minister for Justice: That is so.

Mr. MANN: If he does, it is a form of weakness. If he commits a crime he does not think he will be caught. There is another reason why capital punishment should be abolished, although I do not put it forward as a strong reason. It is that juries are very loth to convict accused persons of the crime of murder; they are loth to have it on their minds that they have sent someone to the gallows. There is no doubt that at times persons charged with murder are allowed to go free, although they are guilty. That is simply because the men comprising the jury are not strong-minded enough to accept the responsibility of sending the offenders to the gallows. Thus we have men, who should be convicted, being allowed to go free and take their places in society again with the possibility of a repetition of their crime. On the other hand, if we had a less serious form of punishment, such persons would be convicted, and would be sent to prison for the term of their natural lives. I do not think there is any other point I desire to make just now. I hope this question will be well considered. If some hon. members have not considered it up to the present, I trust they will give some attention to it, and that those who have considered it will speak for the benefit of those who have not done so. I move—

That the Bill be now read a second time.

On motion by Mr. Davy, debate adjourned.

BILL BREAD ACT AMENDMENT.

Second Reading.

HON. W. D. JOHNSON (Guildford) [8.55] in moving the second reading said: In 1903 an Act was passed to regulate the hours of baking and generally to deal with

the baking of bread. At that time bread was generally baked at night under conditions that were known as night baking. From 1903 to 1919 various efforts were made to change over from night baking to day baking, and night baking was modified to some extent during that period. In 1919 the Bakers' Union successfully applied to the Arbitration Court for an award to prescribe day baking. The award prohibited, so far as the employer of labour was concerned, the baking of bread at night, and it set out that bread must be baked between the hours of 6.30 a.m. and 6 p.m. Moreover, the days of baking were fixed as from Sunday to Friday inclusive. As a matter of fact, Sunday baking is carried on generally throughout Australia, and it has been carried on in Western Australia for a long time. It is contended that for the successful conduct of the industry it is necessary for the operatives to work on Sunday. We need not go into that question. The fact remains that Sunday baking of bread has been in operation ever since the day baking award was delivered in 1919. During the operations of that award, the union had occasion to take an enforcement case against an employer for a breach of the award regarding the hours prescribed for baking on Sunday. There was no doubt that the employer had worked during hours other than those prescribed. The employer, however, obtained the assistance of a legal practitioner and that gentleman discovered that the Act of 1903 had declared that baking could not be done on Sundays until after 5 p.m. The enforcement case having been placed before the industrial magistrate the legal practitioner prevailed upon him to send the case on to the full Arbitration Court for a decision as to whether the section in the Act of 1903 that prohibited baking until 5 p.m., overruled the award of the court given in 1909, and repeated in several industrial agreements in which baking was permitted to be carried out earlier than 5 p.m. The full Arbitration Court had to rule that the 1903 Act not having been repealed when the day baking award was introduced in 1919, the union could not enforce the award because it was in conflict with the Act. In the section of the Act that dealt with the baking hours is included the words "without the permission of the inspector." Those words included in the section prohibiting baking on Sundays before 5 p.m. were obviously inserted to meet instances of emergency that might arise. Difficulties often do arise in the baking trade. In order to overcome the difficulty that had arisen we had to bake on Sunday, and before the hour of 5 p.m. So representations were made by both parties to the inspector for the necessary permission to ignore the Act of 1903 and continue baking as a prescribed in the award. But of course the union was prevented from taking any action against the employer, should he see fit to ignore the provisions of the Act. Time rolled on and recently it became necessary for the union to appeal to the Arbitration Court for a new award. The court was conscious of the fact that the 1903 Act was actually still in existence, but it was agreed that the case should proceed and that a way out might be discovered by which the 1903 Act would not limit the court in its determination, and would not prevent the court from issuing an award. But after the case was concluded the court evidently gave some consideration to the award, and then summoned the advocates of both sides. I was acting for the union, while Mr. Carter was there on behalf of the employer. We appeared before the court in Chambers and were told that the court had found great difficulty in issuing an award dealing with hours, owing to the limitations of the Act of 1903. The court advised us as advocates to get the parties together with a view to explaining the difficulty and seeing whether we could not mutually agree to some arrangement by which the hours could be fixed, so that we might work without coming in conflict with this measure, or if unable to do that, we would have to do something in regard to the measure itself; in other words, would have to appeal to Parliament, as I am now doing. The advocates carried out the desire of the court, called the parties together, and discussed the situation. But although an effort was made on both sides to arrive at some understanding, it proved impossible, largely because the union was determined to continue working on the day baking basis, while the employers were anxious to use the Act of 1903 for compelling the employees to work a certain measure of night baking. In the end we had to adjourn, agreeing that it was impossible to come to any understanding. Therefore, as advocate for the union, I have no alternative to appealing to Parliament to enable the court to fully function and, if it thinks fit, to declare for Sunday baking. If on the other hand, the court thinks Sunday baking should not be continued, it will so declare. But while the Act stands as it is, the court

is not permitted to continue that which has been in operation for a number of years, namely, the baking of bread on Sundays. Therefore the court will have to introduce something new, even though the evidence might impel it to come to some other decision. In other words, the union's case having been based on the continuation of the system of Sunday baking, the court would have to ignore the evidence of the union, because the Act will not permit of the court putting into operation that which it might be influenced to give as the result of the union's evidence. The court will have to confine attention to evidence by the employers, who are asking for a measure of night baking and whose claim, I think, was based on the knowledge that this particular Act limited the court in its power to declare what should be done on a Sunday.

Hon. Sir James Mitchell: Well, that is the law, of course.

Hon. W. D. JOHNSON: It is at the moment, and has been since 1903. But it has been ignored by both parties and has not been in force since 1919. The inspector has been granting a permit since this Act was discovered in recent times. The employers and the employees made representations to the inspector, who thereupon agreed to issue a permit; and so we have been baking on Sundays during hours prohibited by the Act.

Hon. G. Taylor: The inspector is entitled to issue a permit.

Hon. W. D. JOHNSON: Yes, under special circumstances; but he has been making the general circumstances special circumstances. Of course that is not sound. However, it is one of those unfortunate positions that will arise when these old Acts go out of use for so long as to be forgotten until discovered again at a most inopportune time.

Hon. Sir James Mitchell: Unfortunately you want to break the law. Why not repeal the section?

Hon. W. D. JOHNSON: The employers may take exception to the repeal of the section. They may say there is some virtue in it. There is no need to repeal it, provided we say "If the court in its wisdom desires to give an award conflicting with the section, the court shall have power to do so." All I can imagine is there may be cases where it would be advisable for Sunday baking to be prohibited. If that be so, and there is no award declaring otherwise, that section will still be in operation. But where the court desires to give an award for Sunday baking at hours conflicting with the 1903 Act, the court should have power to do it. As a matter of fact that is what the court has done. In 1919, and on various occasions since then, by industrial agreements made a common rule by the court, we have ignored this Act. Therefore we ask that it shall be legal for the court to do to-day what has been illegally done for so long. I simply ask that Section 16 of the 1903 Act should be amended—I do not ask that it be repealed—by providing that the section should not apply in any district or area in which an industrial award or agreement relating to the baking trade is for the time being in force, in which a time for commencing work on Sunday is prescribed. The court to-day is holding up the award. The award deals with many other matters. Yet we cannot get the award because of the existence of that section in the 1903 Act. The court has appealed to us to assist the issue of the award by both parties agreeing to overcome that provision in the Act.

Hon. Sir James Mitchell: Why did they not go to the Government to get that through?

Hon. W. D. JOHNSON: We might have done that, but I thought this the better way.

Hon. Sir James Mitchell: The court does not ask advocates to get the law altered, surely!

Hon. W. D. JOHNSON: The court pointed out that the law has to be altered to enable the court to function. The court having conveyed that we either had to get the Act amended to enable the court to function, or alternatively had to arrive at a mutual agreement, we, finding that we could not arrive at a mutual agreement, decided in the interests of the employees, whose industrial conditions are held up for the time being, that I should give notice, and consequently I am now appealing to Parliament to enable the court to function. I do not wish to give any directions to the court, not in any shape or form. It was never intended that the court should be restricted in its work by any Act such as this. The court should have power to deal with all claims submitted to it. This is a vital part of the claim, and the court cannot function because of the existence of this measure. All I ask by the amending Bill is to remove that limitation and allow the court to function. The court may grant Sunday baking or may declare against it; but I say the court should be able to deliver the award, the evidence

underlying which has been concluded and the whole thing closed. The union and the employers are waiting for the award, but we find it cannot be issued until something of this kind has been done. There is no way to overcome the difficulty at present—for the parties cannot agree—other than by amending the Act in the way I am suggesting. I trust members will realise the seriousness of the position. The union is suffering, since it is not enjoying the conditions I believe it will get as the result of the award. The whole matter is hung up. The court having made an appeal to Parliament through the advocates, I am justified in asking Parliament to expedite the passage of this measure so that the court may function. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—AGRICULTURAL LANDS PURCHASE ACT AMENDMENT.

Second Reading.

THE PREMIER (Hon. P. Collier—Boulder) [9.15] in moving the second reading said: This is a small Bill that seeks to amend the Agricultural Lands Purchase Act. The principal Act provides that for the purchase of an estate for subdivision and resale the source of funds shall be public moneys provided by Parliament, State Savings Bank funds and money raised by the issue of debentures. The Act was passed in 1909 at a time when money was cheap and the rate of interest was limited to 4 per cent. In 1910 an amendment was put through by which the limitation of 4 per cent. for debenture money was removed, but the limitation of 4 per cent. for Savings Bank funds was not affected. Consequently if the Savings Bank funds are applied to the purchase of an estate under the Agricultural Lands Purchase Act, the bank is not able to receive more than 4 per cent. Recently the Government purchased an estate along the Midland railway, known as Wongundy, consisting of 42,000 acres at £1 per acre, the purchase price amounting to £42,000. Savings Bank funds were used for the purchase of that estate and it is only right that the Savings Bank should be able to obtain the current rate of interest.

Hon. Sir James Mitchell: I do not know about that.

The PREMIER: I should certainly think so. Why not?

Hon. Sir James Mitchell: As long as the bank gets enough to cover the interest it pays, it should be sufficient.

The PREMIER: But we desire that the bank should be conducted on business lines. If the funds are invested in any direction the bank should be entitled to obtain the ruling rate of interest in order that we may be able to judge the result of the bank's operations at the end of the year. It is an excellent security for which the bank's funds might be used, and if the bank cannot obtain the ruling rate of interest, the result of its operations will be affected.

Mr. Marshall: Do not the chartered banks do that sort of work at a loss or out of a spirit of benevolence?

The PREMIER: I am not au fait with the business of the chartered banks.

Mr. Marshall: I understood they frequently lost money on their investments!

The PREMIER: I cannot see why the Savings Bank should not be able to draw 5 per cent. or whatever the ruling rate of interest might be at the time. As the Leader of the Opposition knows, the bank is—

Hon. Sir James Mitchell: A Government Savings Bank.

The PREMIER: Yes, and is supposed to be conducted on business lines. That being so, the bank makes the best investments it can.

Hon. G. Taylor: If we pass this Bill the Government will be charged higher interest.

Hon. Sir James Mitchell: The State Savings Bank will charge the Government a higher rate of interest.

The PREMIER: It will make a difference to the bank's operations for the year. The bank should be able to charge 5 per cent. or whatever increased rate is decided on. That is only fair to the bank. It should be allowed to conduct its operations in a business way, and if its funds are used for this purpose, I see no reason why the rate of interest should be limited to 4 per cent. It might as well be argued that a Government institution should charge no interest at all. When the Act was passed in 1909 there was no desire that the rate of interest paid for Savings Bank funds should be less than the ruling rate. A limit of 4 per

cent. was fixed, which was practically the maximum rate charged for money at that time. In fact, money could be obtained for 3 per cent. and 3½ per cent., and when the limit was fixed at 4 per cent. it was quite sufficient. If the principle that the bank might charge the ruling rate of interest was sound in 1909, it is equally sound to-day. The difference is that 4 per cent. is no longer the ruling rate of interest.

Hon. Sir James Mitchell: I do not think it was in 1909, either.

The PREMIER: In 1909 I think we were borrowing money at 3½ per cent.

Hon. C. Taylor: At 3½ per cent. to 4 per cent.

Hon. Sir James Mitchell: You do not remember anything about it.

The PREMIER: When Labour took office in 1911 and, I think, even in 1912, we were able to borrow money at 4 per cent., and some money was even borrowed at 3½ per cent. The principle was accepted that the bank might charge the current rate. Now, however, the rate of interest has increased, and I think the limit of 4 per cent. should be removed.

Mr. E. B. Johnston: Why not make it 5 per cent. instead of leaving it blank?

The PREMIER: There will be no object in the Government charging themselves a rate of interest beyond that ruling for the time being, and I cannot see that any limit is required. The Government control the State Savings Bank and there would be no object in the Government charging themselves anything above the ruling rate. The bank should be permitted to receive the ruling rate in order clearly and properly to disclose the results of its transactions for the year. The amendment is required simply because the rate of interest has changed since 1909.

Hon. Sir James Mitchell: This cannot apply to all Government loans that exist.

The PREMIER: It will apply to all moneys that might be utilised under the Agricultural Lands Purchase Act.

Mr. E. B. Johnston: Not to past loans.

The PREMIER: No, to future loans. The amendment is to date from the 1st July of this year, and will apply only to funds that may be raised for the payment of estates repurchased under the Act.

Hon. Sir James Mitchell: Is this the only Act that restricts the rate of interest? What about the Workers' Homes Act?

The PREMIER: If there is a restriction in the Workers' Homes Act, I do not think it is a low one.

Mr. Marshall: I know that some two years ago it was 6 per cent.

The PREMIER: At any rate, the Act would not prescribe the rate of interest that obtained 14 or 15 years ago. I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [9.25]: I do not intend to oppose the Bill. I suppose that the 4 per cent. stipulated in the Act does cover the working expenses and the interest paid by the bank to depositors, and that means the Government are charged for money at a rate payable to the bank.

The Premier: On fixed deposits the interest goes to 5 per cent.

Hon. Sir JAMES MITCHELL: But the point is that the 4 per cent. does pay the bank.

The Premier: Allowing for the money in the Savings Bank that is not bearing interest perhaps 4 per cent. would pay the bank. I cannot say offhand, because the operating costs to-day would be greater than they were 10 or 12 years ago.

Hon. Sir JAMES MITCHELL: They would be a little higher.

The Premier: Salaries are higher and costs in many ways are higher.

Hon. Sir JAMES MITCHELL: It is advantageous to the Workers' Homes Board particularly to be able to get money as cheaply as possible from the State Savings Bank. I rather fancy that the interest on workers' homes has gone up to 7 per cent. lately, but I suppose that would be reducible to 6½ per cent. under the ordinary conditions for prompt payment. It must be so, because the ordinary outside rate is charged to the Workers' Homes Board.

The Premier: That is 7 per cent.

Hon. Sir JAMES MITCHELL: No, it is 5¼ per cent., the rate at which the Government can borrow money.

Mr. E. B. Johnston: Industries Assistance Board settlers pay 7 per cent.

Hon. Sir JAMES MITCHELL: But the Industries Assistance Board is a very different concern from the Workers' Homes Board. In that case the rate charged is 6½ per cent.

The Premier: I suppose that would cover only the rate of interest and expenses.

Hon. Sir JAMES MITCHELL: Yes. The Workers' Homes Board are not expected to make money and we do not wish them to make money out of the borrowers. If money could be lent to the Workers' Homes Board by the Savings Bank at a lower rate than 5½ per cent., we would be wise to let them have it.

The Premier: If we made it lower than 5 per cent. the people getting workers' homes would be getting money at less than the current rate of interest.

Hon. Sir JAMES MITCHELL: When the Workers' Homes Act was introduced it was intended that the rate of interest should be as low as possible consistent with covering the cost of the money obtained from the Savings Bank. The money of the State Savings Bank might well be invested in the workers' homes business and such business might well come first. If the Workers' Homes Act contains a limitation such as this, it should be investigated. Seeing that deposits in the Savings Bank are increasing, we might well give the Workers' Homes Board some cheap money and enable them to charge less to people who build homes under that scheme. During the last few years the cost of building worker's homes has increased immensely.

The Premier: It has increased, but even so it compares more than favourably with the cost of erecting homes outside that scheme.

Hon. Sir JAMES MITCHELL: But we want to give borrowers under the Workers' Homes Act the best terms possible. We do not want to make money out of the board's operations. Having the money of the Savings Bank, which represents the savings in limited sums of the people who borrow money to build homes, we should use the cheapest money we have for the purpose. I believe the Workers' Homes Board have done wonderful work, and I would like to see their operations extended as far as possible. I know that owing to the present cost of buildings interest comes to a considerable amount. We do not get much for £600. The difference in the interest affects considerably the man who is earning £4 or £5 a week. I hope the Premier will look into the matter, and see whether there is available any money that could be loaned to the Workers' Homes Board at a cheap rate, consistent with covering the cost to the bank. These are all Government institutions. It does not matter to us whether they pay 4, 5, 6 or 7 per cent. for their money to the Savings Bank for public purposes, except that it will be debited against the work and the profit will go into revenue. I do not know that we need worry much about that, so long as we get value for the money. If there are other Acts which provide this same limitation, we should deal with them and not with this one alone.

The Premier: I will look into the Workers' Homes Act.

Hon. Sir JAMES MITCHELL: The truth is that the Premier can pass this money on only to the purchasers of subdivided estates at the rate of 5 per cent. That is the truth about this amendment.

The Premier: That should be done now.

Hon. Sir JAMES MITCHELL: Under the Agricultural Lands Purchase Act we can add only 1 per cent. to the cost of the money.

The Premier: I do not see why the purchasers of these estates should get money much cheaper than other people. Why should they get money at 5 per cent. when other ordinary settlers are paying 6½ to 7 per cent.?

Mr. E. B. Johnston: It has been 7 per cent. for many years.

Hon. Sir JAMES MITCHELL: It is a pity they cannot all get their money at 4 per cent.

The Premier: It would be a good thing for the farmers if we could get cheap money, but unfortunately we cannot do so.

Hon. Sir JAMES MITCHELL: We can only charge the purchasers of subdivided estates on the basis of 5 per cent., whereas we have to pay 5¼ per cent. for money for public purposes.

The Premier: It works out at nearly 5½ per cent.

Hon. Sir JAMES MITCHELL: That is the reason why the Premier is having this Act amended. There is also the other reason I mentioned by way of interjection. I do not intend to oppose the second reading of the Bill.

MR. E. B. JOHNSTON (Williams-Narrogin) [9.33]: I cannot see how the Savings Bank can pay the current rate of interest and lend money at a lower rate than 5 per cent. to the Agricultural Lands Purchase Board. I hope the Government will not permit the rate to be increased beyond 5 per cent. In the past it has been limited to 4 per cent. The Premier is now seeking to strike out the limitation. I hope as Treasurer he will not allow more than 5 per cent.

to be charged. Whatever rate is imposed by the Savings Bank, it has to be passed on to the settlers who are going to take up land on these repurchased estates.

The Premier: Yes, but they should not be specially favoured.

Mr. E. B. JOHNSTON: If the Premier charges 5 per cent. instead of the present rate of 4 per cent., that will represent quite a substantial increase. It is as far as the Government ought to go at present. I hope the Bill foreshadows a return by the Government to the policy of repurchasing estates. When the first Bill was passed in the days of the late Lord Forrest, a great many estates were repurchased. There was considerable activity under the Agricultural Lands Purchase Act. Of recent years there has not been so much activity in proportion to the amount of settlement that has been going on. Only odd estates have been purchased. I hope the Government propose to enter more actively into the business of repurchasing estates where they are recommended by the board, and where they are available on reasonable terms. I think we get much better results by these willing purchases between the Agricultural Lands Purchase Board and the seller of the land than we do by frightening people into selling their land compulsorily. I would remind the Government that any increase in the interest charged by the Savings Bank has to be paid by the settlers on the repurchased estates. I hope the Government will keep the interest as low as possible, in order that the burden may not be unduly heavy upon those who take up land under the Agricultural Lands Purchase Act.

MR. SAMPSON (Swan) [9.35]: I am reminded of the fact that in South Australia my parents were able to borrow money from the State Savings Bank under the credit foncier system at very low rates of interest. That was made possible because of the operations of the Savings Bank. Here it seems that the State Savings Bank is operating in a somewhat similar way. The money is received from the citizens of the State. The object, I understand, in the first place is to provide cheap money for these people. So far as I can see there is no limit in the Act, except the section which the Bill seeks to amend in respect to the amount of interest to be charged. In the circumstances it may be that some future Treasurer, not so considerate as the present one, may increase the amount to the charge levied by certain other institutions, whereby those who use the money will pay not less than perhaps 7 per cent.

Mr. Lambert: Do you not think that would be sound business?

Mr. SAMPSON: No, the money is provided for the development of our primary industries.

Mr. Lambert: Why should the accumulated earnings of the workers of the State be used to provide cheap money for those people?

Mr. SAMPSON: Why should the accumulated deposits of the workers be used to extort what in the circumstances would be an unduly high rate of interest?

Mr. Lambert: They ought to charge the rate of interest that is paid to the associated banks.

Mr. SAMPSON: It would all come back to the State in other ways.

Mr. Lambert: Yes, in cheap fertiliser rates and a few other things.

Mr. SAMPSON: In transport charges, etc. A former Parliament thought it wise to limit the earning power of money deposited in the Savings Bank. The Premier may consider the retention of the principle of limiting the interest, while increasing the rate to a certain extent.

Question put and passed.

Bill read a second time.

BILL—JUDGES' SALARIES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [9.40] in moving the second reading said: The object of the Bill is to amend the Judges' Salaries Act. It provides for increasing the payments to judges from £1,700 in the case of Puisne Judges and £2,000 in the case of the Chief Justice by the amount of £300 per annum. As is the case with many other things that have been done lately, perhaps this may be thought to be rather overdue.

Hon. Sir James Mitchell: I think you ought to give the Chief Justice £2,500.

The MINISTER FOR JUSTICE: It is a question of preserving the relative difference in the salaries. I will tell the hon. member what occurs in other States. In South Australia the Chief Justice gets only £250 more than puisne judges.

Hon. Sir James Mitchell: What about Victoria?

The MINISTER FOR JUSTICE: I will give all the figures with regard to judges in Australia. It was thought wise to retain the relative difference between the salary of the Chief Justice and that of the other judges, and the increase has been made the same in each case. The financial position of the State during the past seven or eight years has not made Treasurers very anxious to increase expenditure in any way.

Hon. Sir James Mitchell: For the past 16 years.

The MINISTER FOR JUSTICE: Particularly has that been so for the past seven or eight years.

Mr. Sampson: Will this bring the salaries into line with those in the other States?

The MINISTER FOR JUSTICE: I will quote the figures later on. No one has been very anxious to increase expenditure, although it has been generally recognised that our judges have done splendid work. If the financial position had made it possible, I think the Leader of the Opposition would have introduced legislation to increase the salaries of judges. The tendency has been for Treasurers, instead of looking round for ways of increasing expenditure, to look for means of decreasing it in order to make the ledger balance. The present salaries of judges are the same as they were in 1902. Everyone recognises that things have changed tremendously since then. If the salary was adequate then, it is not so now. Judges are financially worse off than they were in those days, even in regard to the actual remuneration they received, because of the fact that taxation on incomes has been levied both by the State and the Commonwealth, and, like other individuals, judges have to submit to taxation.

Hon. Sir James Mitchell: Everyone is in that box.

The MINISTER FOR JUSTICE: Yes, but most people have had their conditions improved during the intervening years. The salaries of judges are fixed by statute, and can only be altered by an amendment of the Act. They have had the same salaries for the past 25 years.

Mr. E. B. Johnston: The purchasing power of money is about half what it was then.

The MINISTER FOR JUSTICE: Even if it had remained the same, judges would be worse off than they were then because of the taxation they have to pay. We have been well served by our judges. We cannot expect to attract the best personnel to our judgeships so long as we have conditions that are 25 years old applying to the positions. When one gets down to bedrock, one must recognise that in regard to the welfare of the community the judiciary bear a very heavy responsibility indeed. Parliament makes the laws and endeavours to have them carried out, but in the final analysis the decisions of the judges on those laws are the basis of the community's welfare. Everybody admits that the judges occupy most responsible positions, and exercise a tremendous effect on the wellbeing of the State. Men occupying such highly responsible positions should be adequately remunerated. Almost needless to add, it is unthinkable that any considerations as to remuneration would prevent a judge from acting on the strict lines of duty and probity; but that circumstance does not prevent us from recognising additional remuneration to be necessary. As regards gentlemen who do such excellent work on behalf of the State, Parliament should recognise its responsibility by granting them something like adequate remuneration. I do not wish to discuss the merits of the personnel of our Supreme Court bench, but I may pay a tribute to the present holders of judgeships. The Chief Justice has earned the respect, goodwill, esteem and confidence of almost every person in Western Australia. His outstanding capacity and experience, his wide legal knowledge, and his common sense are almost universally recognised in the State, as are also the tact and discretion with which he has carried out the duties of the position first of judge and then of Chief Justice. Western Australia is under a deep obligation to him for his services. In addition, Sir Robert McMillan has on many occasions undertaken the duties of Lieutenant-Governor and Administrator; and those duties, too, the Chief Justice can honestly be said to have discharged with great distinction. From those aspects it is a pleasure to be associated with doing something that even in a small way recognises Sir Robert McMillan's public services. Mr. Justice Burnside has been a member of the bench since 1902, and his remuneration is now what it was then. That gentleman, too, has carried out his duties most creditably and with great satisfaction to the people of the State. We

have to bear in mind also his long years of work as President of the Arbitration Court, which has saved Western Australia hundreds of thousands of pounds that might have been lost through industrial unrest and turmoil.

Hon. Sir James Mitchell: I think he only did his duty there.

The MINISTER FOR JUSTICE: But there are several ways of carrying out duties, and certain ways have certain effects. I have not suggested that Mr. Justice Burnside as President of the Arbitration Court was unduly generous, or indeed that he was anything more than just.

Hon. Sir James Mitchell: Probably not. I only suggest that he was just.

The MINISTER FOR JUSTICE: I too suggest that he was just. However, cases have been known where the decision, whether just or not, has been questioned by the people affected, who have been so discontented with the decision that industrial unrest has occurred, involving heavy loss to the State. The confidence which the community in general have in what is done by our Arbitration Court has necessarily been of great advantage to Western Australia. This is another reason why it is pleasing to be associated with the passing of a Bill that will to some extent improve the conditions of the judges. I do not wish to discuss the personnel of the bench right through. The traditions of the bench, established by the two gentlemen to whom I have more particularly referred, have been followed by the other judges appointed during the intervening years. Generally it can be said with perfect truth that Western Australia has been well served by its judiciary. The Bill provides that £300 a year shall be added to the salaries of the Puisne Judges and also to that of the Chief Justice. In opening I said I would quote the salaries of judges in other States. In South Australia the Chief Justice receives £2,500, and the other judges £2,000.

Hon. G. Taylor: We should give our Chief Justice £2,500.

The MINISTER FOR JUSTICE: In the case of South Australia there is a difference of £500 between the Chief Justice's salary and that of a Puisne Judge. In Queensland the Chief Justice receives £2,250, and the other judges £2,000—a difference of £250. The salaries of our judiciary, I submit, compare not unfavourably with the corresponding salaries in two other States which are considerably larger in point of population than Western Australia.

Hon. Sir James Mitchell: What about Victoria?

The MINISTER FOR JUSTICE: Our position is hardly comparable with that of Victoria. In Tasmania the Chief Justice receives £1,800 and the other judges £1,500.

Hon. Sir James Mitchell: The Tasmanian Premier gets £800.

Mr. E. B. Johnston: The salary is being increased.

The MINISTER FOR JUSTICE: In Victoria the Chief Justice receives £3,000 and the other judges £2,500: but Victoria has what are called County Court Judges.

Mr. Mann: Corresponding to our local court magistrates.

The MINISTER FOR JUSTICE: The Victorian County Courts have wider jurisdiction than our local courts. The Victorian County Court Judges receive £1,500. In New South Wales the Chief Justice receives £3,500, and the other judges £2,600: but New South Wales has an Industrial Court President who receives £2,500, and the other industrial judges receive £1,500. Then in New South Wales there are also District Court Judges, probably corresponding to the County Court Judges of Victoria, and they receive £1,500. I do not think there will be any opposition to the Bill. I believe everyone acknowledges that in our judiciary we have men in whom every confidence can be placed, and it is most pleasing to be able to accord some recognition to the judges for their work. When the time does eventually come for some of our judges to retire from office and new judges have to be appointed, we may expect by offering a somewhat higher salary to secure a better personnel than would otherwise be the case. However, I shall experience the greatest regret, which I think would be shared by every member of the House, if the Chief Justice should contemplate retirement for a good long time yet.

Hon. Sir James Mitchell: He has a good long time ahead of him.

The MINISTER FOR JUSTICE: The State would be very pleased indeed if the Chief Justice would continue to hold for a number of years that position which he fills with so much distinction and such great satisfaction to the people of Western Australia. I move—

That the Bill be now read a second time.

HON. SIR JAMES MITCHELL (Northam) [9.57]: I do not think the proposals contained in the Bill call for much discussion, except perhaps as regards the amounts. Undoubtedly, it is our duty to increase the salaries of the judges. And the salaries of other officials fixed by statute should come up for consideration. Our system is to fix salaries under the Public Service Act through the Public Service Commissioner, or else to fix them by statute as in the case of judges and the Auditor General. I do not think the Auditor's General's salary has received consideration for many years. I am not sure about the Public Service Commissioner, but I think that official's salary was raised about four years ago. There are various officials whose salaries are fixed by statute.

The Minister for Justice: Yes; the Auditor General's especially.

Hon. Sir JAMES MITCHELL: There are also the Commissioner of Railways and the Trustees of the Agricultural Bank. As regards the Auditor General's salary, nothing was done in my time, and I do not think anything had been done for years previously. I trust the Premier will give that officer consideration. Everybody else is going up or has gone up. Heads of departments now in some instances receive higher salaries than that paid to the Auditor General.

The Premier: It is the Government's intention to give consideration to officers whose salaries are fixed by statute. There are the Auditor General and one or two others.

Hon. Sir JAMES MITCHELL: I am pleased to hear that declaration from the Premier. The salaries of other officials have been raised repeatedly since 1919.

The Premier: It has been possible to do that without introducing and passing amending Bills. Salaries fixed by statute have been more or less overlooked.

Hon. Sir JAMES MITCHELL: Many salaries are fixed by arbitration, and the Public Service Act frequently gives the right of appeal to a board. Increases in the Public Service generally, may be regarded as more or less automatic. I am glad that the Minister for Justice has brought down this Bill, and I endorse everything he has said about the judges. We do want justice administered here by men as capable as the judges of the larger States, and we want just as capable a man for our Chief Justice as is required for the position of Chief Justice of Victoria or New South Wales. Naturally, higher salaries are paid on the other side; but the salaries paid here should bear some relation to the importance of the work, even although we number only 380,000 people. I am sorry I am not permitted to move to increase the amount proposed for the Chief Justice. I regret that the amount has not been increased by £500 instead of by £300. We ought to pay our Chief Justice at least as much as the South Australian Chief Justice is paid. I do not know to what extent the charges levied by legal practitioners have increased since 1902. I think those levies are under control.

The Minister for Justice: They were increased.

Hon. Sir JAMES MITCHELL: I believe considerable increases were granted in such cases as required our approval. The Taxing Master, of course, has regard to the rate we have fixed. The result is that had the judges been in practice as lawyers, their earnings would probably have been considerably more than their salaries are today. I am very glad that the Bill is before us. It is true that for many years our financial position has not been buoyant. We had to overcome tremendous financial difficulties and it was impossible to do all we should like for people in the employment of the Government. Naturally it was necessary to increase the wages and salaries of men on the lower rungs and that was done because of the increase in the cost of living. In one instance, during war time, the railway men suffered a disadvantage regarding the cost of living, but they said nothing about it and did not ask for any increase in wages until the war was over. We then had to acknowledge that they were entitled to higher wages and to some back pay as well. I think we were paying £1,000,000 more to the same men in Government employment when I left office than when I first took over the reins of government. I do not mind admitting that the increase was more than justified by the cost of living.

The Minister for Justice: The first increase was something like £300,000.

Hon. Sir JAMES MITCHELL: I think it was more than that. In any case, when the opportunity offers, as it does under the Bill, we are entitled to increase the salaries of the judges as well as those of other people. I have much pleasure in supporting the Bill and the only suggestion I would

make to the Minister is that the amount should be increased from £300 to £500.

Question put and passed.

Bill read a second time.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

In Committee.

Mr. Lutey in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 2.

Hon. G. TAYLOR: May I suggest to the Minister that he should amend the clause by inserting "five" in lieu of "three." It is the desire of members sitting on the Opposition side that the Chief Justice should receive an additional £500. We cannot move in that direction, but if the Minister desires to do so, he now has the opportunity.

Mr. Kenneally: That would interfere with the margin.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.8 p.m.

Legislative Assembly.

Thursday, 25th August, 1927.

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

ADDRESS-IN-REPLY—PRESENTATION.

Mr. SPEAKER: I desire to inform the House that in company with the member for Menzies (Mr. Panton) and the member for North-East Fremantle (Mr. Rowe), I waited upon His Excellency the Governor and presented the Address-in-reply, to which His Excellency has been pleased to deliver the following message to the Assembly—

Mr. Speaker and members of the Legislative Assembly, I thank you for your expressions of loyalty to His Most Gracious Majesty the King, and for your address-in-reply to the Speech with which I opened Parliament. (Sgd.) W. R. Campion, Governor.

QUESTION—LONG SERVICE LEAVE.

Mr. THOMSON asked the Premier: As long service leave negotiations and an agreement with temporary wages men who have 10 years' service have been completed, 1, what is the total cost to the State for that leave and what is the estimated cost to the railways? 2, what conditions is it intended to apply to temporary employees in the public service under the Public Service Act regarding long service, and what is the estimated cost?

The PREMIER replied: Negotiations and agreements have not yet been finalised.