Item, Extra Labour, Penguin, £350:

Mr. UNDERWOOD: Would the Minister explain what this extra labour was?

The TREASURER: The extra labour was required in connection with the inspection along the coast.

Item, Reserve light-keepers, temporary labour, etc., £350:

Mr. HUDSON: A grievance had been brought under his notice regarding the treatment of the light-keeper at Esperance. The man was employed there at a remuneration of about £20, and for the sake of another £10 he was placed in the position that he was not able to leave there, and thus he was practically thrown upon the charity of the State. The matter had been brought under notice, but he took the present opportunity of bringing it forcibly under the notice of the department.

The Treasurer: Would the hon. member see the Minister?

Mr HUDSON: I have already seen him.

The Treasurer: The Colonial Secretary says that he has not been seen about it.

Item, Incidental, £2,580:

Mr. HUDSON: There was necessity for providing boats on the South-East coast of the State. There were jetties at every place, and there was very little in the nature of life-saving apparatus. At Esperance it was necessary that there should be a boat provided which could be placed in charge of the police so that in case of accident—and several had occurred during the operations of a company that was seeking for phosphates on the islands—it might be of some assistance. Several accidents had happened at Hopetoun and a man was killed there. The difficulty of landing cargo there was well known to the department, and there was no boat for use in bad weather.

The Treasurer: I have made a note of it.

Vote put and passed.

Vote *Lunacy*, £27,012:

Mr. ANGWIN: Had nothing been done in regard to giving the attendants at the Claremont Asylum the right of appeal in respect to any dispute that might arise between them and their superior officers. For some years past he had been bringing this before the Minister. The objections alleged were that it was never done in any of the other States. Yet in every other department of the service, the servants had the right of appeal, while here one man controlled the whole show, and his decision whether right or wrong was final. The Minister refused to look at the matter in a reasonable light. These servants had been treated very unfairly in the past. During the recent absence of the superintendent the officer acting in his behalf had fined some of the girls so much that even the superintendent on his return saw fit to reduce the fine. It went to show the necessity for some court of appeal.

Vote put and passed.

Progress reported.

House adjourned at 11.7 *p.m.*

Legislative Council,

Wednesday, 3rd February, 1909.

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

PAPER PRESENTED.

By the Colonial Secretary: By-laws Goldfields Water Supply Administration.

QUESTION—LAND SURVEY BEFORE SELECTION.

Hon. G. THROSSELL asked the Colonial Secretary: 1, Whether it is the intention of the Government to continue to extend the principle of survey before selection? 2, If it be so, will not the extension of such a principle obviate the necessity for a system of costly decentralisation as at present proposed?

The COLONIAL SECRETARY replied: 1, Yes, where the area justifies the principle. 2, No costly scheme is proposed, prompt approval of applications being the primary object desired.

QUESTION — OBSERVATORY, ASTRONOMICAL WORK.

Hon. J. W. KIRWAN asked the Colonial Secretary: Whether, concerning questions re Perth Observatory asked on January 12th, the hon. the Colonial Secretary will further state:—1, As regards the answer to the question as to when the work would be completed of cataloguing in the highest order of accuracy the 8,000 stars the positions of which the Observatory is now determining—(a.) Whether it was noticed that the request had reference to "the highest order of accuracy." (b.) Whether the reply "about three or four years" did not refer to determining the position of the stars in the second order of accuracy? 2, How many years, approximately, will it be before the astrographic catalogue will be completed? 3, Whether as regards the reply to the third question, the Government do not consider that the Commonwealth Constitution (Section 51, Sub-section 8) plainly indicates that the Commonwealth rather than the State should bear the cost of an observatory, especially one that is engaged in astronomical work that is "the greatest scientific undertaking ever organised," and work the duration of which has been described by the statement that "probably 50 years will be occupied with the measurement, reduction, and discussion of this first survey and at the end of that period a second survey will be commenced, to be followed by a third 50 years later." 4, Do the Government contemplate the completion of the 150 years' programme set out above? 5, If so, is it realised by the Government that at the present cost, amounting to more than £2,000 annually, the expense to the State would total at the end of that time at least £300,000? 6, Because certain astronomical observations were commenced at the Observatory some eight years ago is that any reason why there should be continued at the expense of the State a programme of work that will not be completed before 150 years, if then? 7, What is the value of the instruments that would "soon become quite useless" if the astronomical work at the Observatory were to be "even temporarily discontinued"? 8, As regards the answer to the fourth question (a.) Whether the Government endorsed the Government Astronomer's advice that as "astronomy and meteorology require different treatment" it is "quite impracticable" for the Commonwealth to take over the Observatory? (b.) Has not the Perth Observatory until a few months ago, when the Commonwealth took over the meteorological branch, carried on in an exceptionally efficient manner astronomical as well as meteorological work? (c.) Could not equally satisfactory results be achieved if the Commonwealth were to take over the control and pay for the expense of the maintenance of the Observatory? (d.) When the State Government so long controlled the Observatory whilst it carried out meteorological and astronomical work, how can it be "quite impracticable" for the Commonwealth to take it over, even admitting that "astronomy and meteorology require different treatment"? 9 (a.) Whether the Imperial authorities contribute £9,098 towards the cost of the observatory at the Cape, which was more than once referred to in the replies in question. (b.) Whether Cape Colony, with a very considerably larger white population and a vastly greater revenue than West Australia, is not in a much better position to pay for the cost of an observatory than this State? (c.) Whether the Governments of South Australia, Queensland, Tas-

mania, or New Zealand spend any money on astronomical work?

The COLONIAL SECRETARY replied: 1, (a.) The term "highest order of accuracy" is rather vague. Strictly speaking, it ought to be applied only to the most modern "fundamental work," which is undertaken by very few observatories. (b.) According to the above definition, yes. 2, About 20 years. 3, Although the Commonwealth Constitution Act provides the necessary power for the Commonwealth to take over astronomical and meteorological observations, when the Meteorology Bill was before the Federal Parliament the question was debated, and it was decided not to take over the existing State Observatories for astronomical purposes. 4, 5, 6, An observatory is generally established for permanent work, and the value of its results depends largely upon the continuity. 7, Approximately £5,000. 8, (a.) The Government would have no objection to transfer the astronomical branch, if the Commonwealth are prepared to take over the work. (b.) Yes, but the Government Astronomer advises that this was only possible in its initial stages, and the time was approaching when the two branches must be separated, or inefficiency would ensue. (c., d.) Answered by (a.) and (b.). 9, (a., b.) The Cape Observatory was established as an adjunct to the Greenwich Observatory nearly 100 years ago by the British Government for the advancement of scientific investigation in the interests of the British navy and the general commerce of the Realm. (c.) Yes, in connection with their survey departments.

MOTION—POLICE CONSTABLE'S WIDOW, GRATUITY.

Hon. R. W. PENNEFATHER (North) moved—

That in the opinion of this House it is desirable that the Government should take into consideration the question of granting a gratuity to the widow of the late Constable Pierce.

The late Constable Pierce had been a member of the Police Force for about eleven years, and his record was very good. He died rather suddenly, poison being the cause of his untimely end. He was stricken down with a severe attack of influenza at the time, and on the evening he was found dead, he went to a chemist's shop and got a tonic, a portion of which he took when he retired. Late that night he was found almost dying and he subsequently died. A post mortem examination was held and it was discovered that the cause of his death was poison. In the room in which the constable slept a certain quantity of poison was found in a bottle, and a similar poison was the cause of death. An inquest was held and evidence was given at the inquest which according to the newspaper reports showed that the constable had been in bad health and ailing; that he had taken medicine home to his room, and apparently in the night took the poison, whether by accident or by intention there was no evidence to disclose, but the jury, mainly I think from the fact that they were presided over by a layman who could not direct them on technical law, practically found that the man committed suicide. Incidentally, he (Mr. Pennefather) might mention that it was one of the grievances that had existed for some time past both in Perth and Fremantle, that there was no qualified coroner to preside at inquests, and the sooner the Government attended to this matter, the better. If the inquiry referred to had been presided over by a competent man, no jury would have brought in the finding which the jury did. The result of the finding was that when the constable's widow claimed a gratuity from the Police Benefit Fund, the board pointed out to her, that they had no power under the regulations to grant a gratuity, because in effect it was a case of suicide, and outside the scope of the regulations. One could not take much exception to the finding of the board: they honestly were of opinion that they had no power under the regulations dealing with deaths of members of the police force providing that the widow or orphans of any member of the force who had served a period of seven years, and not exceeding twelve years, and who had died from natural causes, might

claim a gratuity not exceeding one month's pay for each year's service of the deceased. That applied to cases where a man died from natural causes, and the jury found that this man had died from unnatural causes. No evidence was disclosed at the inquiry to justify the coroner's jury in finding that verdict, but the board thought that they were bound by the finding, and could not go behind it. In his (Mr. Pennefather's) opinion as a lawyer the board might have gone behind that finding, because if a jury returned an absurd verdict, that should not stultify the board. There was a provision in the regulations that it was competent for the board to pay a gratuity in any deserving case. That would have given power to the board to have granted the gratuity. This rule would have justified the board in slightly stretching, if there was any necessity for stretching, this consideration in favour of the applicant. This fund out of which gratuities were paid was contributed to by members of the police force themselves. Every month a deduction was made from the salary, towards the fund. It was an assurance fund, and after the lapse of a certain number of years, not less than seven, members of the force were entitled, if they became invalided by illness or in the discharge of their duties, to claim a gratuity, and if a constable died from natural causes, the widow was entitled to a gratuity. In this case, the Colonial Secretary from remarks previously made was inclined to see the justice of the application, and he (Mr. Pennefather) suggested that perhaps it might be necessary to amend the regulations. The board had taken it into their heads that they had no power to make the grant. The Colonial Secretary would without doubt see the justice of the application and take steps to ensure that the widow and family of the deceased constable would get some measure of relief. Even if it had been a case of suicide none knew what were the circumstances under which the constable had committed the act. At that time he might have been temporarily bereft of his senses. It might have been however, altogether an accident owing to the constable having taken up the bottle containing the poison instead of the one in which was the medicine.

The COLONIAL SECRETARY: It was not his intention to oppose the motion, although it was undesirable that it should be carried in its present form. As Mr. Pennefather had said, where a constable had served with good conduct for seven years he was entitled to receive a certain benefit from the fund on retiring from the service or, in case of his death, his widow and children were entitled to relief. The fund was administered by a board consisting of the Under Treasurer, the Under Secretary to the Colonial Secretary's Department, and the Commisioner of Police. No Minister had any control of the manner in which the fund should be distributed. The board were guided and governed by regulations and the contributions to the fund were regulated by the rank of the officials. In addition, the Government had given an annual grant in the past of something like £1,000. When he (the Colonial Secretary) assumed office the Police Benefit Fund was not in a good state. The Government Actuary reported on it and considered that the fund would very soon become insolvent. The Government then decided to increase the contribution to be paid by members of the force and that the grant from the State should also be increased. This year the Government would be paying £1,500 or £1,600 to the fund, while the police would contribute £1,300 or £1,400 and, in addition, there would be certain other moneys, such as fines inflicted on members of the force for misconduct. Previously to 12 months ago the board had no option in dealing with applications that came before them. If a man had served with good conduct for a number of years and then had subsequently been fined for drunkenness or some offence of that sort the board were unable to give him any compensation for the many years during which he had served well and contributed to the fund. Now, however, there were regulations which gave the board a discretionary power, so that in cases such as he had quoted policemen would be able to obtain a grant. In the case in question

the verdict of the jury was that death was caused by poison self-administered. The regulations provided that if a constable died from natural causes his widow could receive a gratuity. The board considered that, on account of the verdict of the jury, they had no option in the matter and were compelled to refuse to grant anything to the widow. He had seen none of the members of the board on the question, but his opinion was that such a regulation as that upon which they had acted was unnecessary in a force like the police. It was all very well in connection with life assurance but that was quite a different matter. He proposed to have the regulation amended accordingly. As it was at present the regulation inflicted a very great and unnecessary hardship on the widow and family of the deceased constable. Whether the new regulation could be made retrospective or not he was not prepared to say, but he would do his best to have it made to apply to the present case. It was to be hoped the motion would not be pressed in its present form. He had intended to ask the President's ruling as to whether the motion in its present form was strictly in order, because it really directed the appropriation of a certain amount of the revenue. He had not raised the point, however, as he desired to give an explanation and allow members to discuss the question if they thought fit. He hoped the motion would be withdrawn, and if so, he would go into the question of amending the regulations and would see if it were not possible for the fund to pay some gratuity, if not the whole amount which would have been granted had the constable died from natural causes.

Hon. R. W. PENNEFATHER (in reply): There was no force in the contention of the Colonial Secretary that he might have raised a point of order on account of the motion being a direction for the appropriation of a certain amount of the revenue. In framing his motion he had paid particular regard to that aspect, and, as members would see, it was merely that the Government should be asked to consider the matter. Surely there was no objection to this House deciding to ask the Government to consider any matter, whether it dealt with appropriations from the revenue or not. He had expected the Colonial Secretary would take the course he had promised to follow and that was to amend the regulations and if possible to make the new regulations retrospective, so that a grant could be made to the widow of the deceased constable. In the circumstances he would ask leave to withdraw the motion.

Motion by leave withdrawn.

BILL—HEALTH ACT AMENDMENT (No. 2.)

Assembly's Message.

Message from the Assembly, in reply to Council's Message No. 5, received and read notifying that the Bill had been discharged and a new one introduced in lieu.

BILL—SUPPLY, £492,747.

Received from the Legislative Assembly and read a first time.

BILL—VERMIN BOARDS.

Bill read a third time and *passed.*

BILL—LOCAL COURT ACT AMENDMENT.

In Committee.

Clauses 1 to 5—agreed to.

New Clause—Amendment of Section 87:

Hon. M. L. MOSS moved that the following be inserted to stand as Clause 4:—

"Section eighty-seven of the principal Act is repealed, and the following section substituted in lieu thereof:—

87. When an action is brought in the Supreme Court which might have been brought in a Local Court without the defendant's consent, or in which the claim, though it originally exceeded one hundred pounds, is reduced by payment into Court, an admitted set-off, or otherwise, to a sum not exceeding

one hundred pounds, it shall be lawful for either party to the action at any time to apply to a Judge in chambers for an order remitting the action to a Local Court, and the Judge may, in his discretion, make an order accordingly.

Thereupon the plaintiff shall lodge with the clerk of the Local Court to which the action is remitted a copy of the order, together with a copy of the writ and of the pleadings (if any), and the clerk shall appoint a day for the trial of the action, notice whereof shall be sent by the clerk, by post or otherwise, to both parties, or their solicitors, and the action and all proceedings therein shall be tried and taken in such Court as if the action had been originally commenced therein.

The costs of the parties in respect of the proceedings subsequent to the order shall be allowed according to the scale prescribed in Local Courts, and the costs of all proceedings previously thereto shall be allowed according to the scale of costs for the time being in use in the Supreme Court."

Up to the passing of the Act of 1904 it had always been competent for either the plaintiff or the defendant in an action in the Supreme Court to apply to have that action remitted to the Local Court, if the action was within the jurisdiction of such Local Court. Supposing, for instance, that a bill had been dishonoured, it was a common thing in such cases to issue what was known as a specially endorsed writ. There were means in the Supreme Court for getting a very summary judgment in such cases and it was to obtain this summary judgment that such action was taken into the Supreme Court. But on occasions the Master would give leave to the defendant to defend on an affidavit that appeared to be a good defence at the time but which subsequently proved to be a bad defence. Now in the Act of 1904 such an action must go on in the Supreme Court, involving heavy costs. Only the defendant could apply to have it remitted to the Local Court. In the Acts of all the other Australian States either party had the power to ask to have the action remitted to the Local Court. The English County Court Act also had a similar provision. That was the first object of the proposed new clause. Its second object was that when once the action was remitted to the Local Court it should for all purposes become a Local Court action. The present procedure was very clumsy indeed, for under it the action brought in the Supreme Court and remitted to the Local Court was, after the hearing, sent back to the Supreme Court, where it continued to be a Supreme Court action for the purpose of enforcing the judgment. This was inconvenient in Perth and Fremantle, and very much more so in respect to up-country actions. The Parliamentary draftsman who had drawn up the Local Court Act of 1904 had readily admitted that to permit only the defendant to apply to remit these actions was a mistake; and he cordially agreed also that to try such a case in the Local Court and remit it back to the Supreme Court was a wrong procedure, calculated to place many obstacles in the way of litigants.

Hon. R. W. PENNEFATHER: Mr. Moss would probably see that an amendment was necessary in the first line of the second paragraph, beginning with the words "Thereupon the plaintiff shall lodge with the clerk." Here the word "plaintiff" ought to be struck out, and the words "party obtaining such order" inserted.

Hon. M. L. MOSS: The suggested amendment was acceptable to him.

Hon. R. W. PENNEFATHER moved an amendment to the proposed new clause—

That the word "plaintiff" in the first line of the second paragraph be struck out, and the words "party obtaining such order" inserted in lieu.

Amendment put and passed.

The COLONIAL SECRETARY: It was to be hoped that the hon. member would not press this proposed new clause. In the first place the Bill had been brought in with the one particular object, namely that of validating certain judgments. If this debatable matter were to be inserted in the Bill the effect would probably be to delay the Bill, and, in fact, seeing the lateness of the hour, the Bill might not in that event pass at all. This

suggested new clause was of a character quite contrary to the other part of the Bill, and should not be tacked on to the Bill at this late stage of the session. As the hon. member knew, it was the intention of the Government next session to bring in a consolidating measure, or at least a new Bill dealing with the Local Court. The hon. member had not shown any good and sufficient reasons why a reversion should be made to the old procedure which had existed prior to the passing of the Act of 1904. Under that Act the defendant had a right to apply to have the case remitted to the Local Court; but the arguments did not apply to the plaintiff. There seemed to be no reason why the plaintiff should have the same right: because in the first place he should have definitely made up his mind as to whether he was prepared to take action in the Supreme Court or in the Local Court. For that reason, and because this new clause would be considered a very debatable matter in another place he (the Colonial Secretary) would ask the hon. member not to press the proposed new clause.

Hon. M. L. MOSS: The Colonial Secretary had given no reason why this proposed new clause should not be pressed. The recital of the story that a consolidating measure was coming down was too familar. It was merely by a mistake made in 1904 that the amendment was rendered necessary now. The amendment would reperesent a great saving of expense. In respect to this promise of a consolidating measure, it was remembered that there was only one Local Court Act on the statute-book, and so there was nothing to consolidate. Those responsible for putting these words into the Minister's mouth were not making a correct statement.

Hon. S. J. HAYNES: The method of remitting a case from the Supreme Court to the Local Court was cumbersome and caused some considerable expense. but rather than see this Bill imperilled. he would not support the amendment. The Bill as it stood would save a considerable amount of expense and probably more than would be saved if this clause were passed.

Hon. A. G. JENKINS: Such an excellent clause should not imperil the Bill, but should appeal to every layman because it would cheapen litigation. It certainly appealed to every lawyer. There was nothing controversial in it. and if properly explained in another House should be agreed to.

New clause as amended put and passed.

New Clause—Repeal of Sections 108 and 109:

Hon. M. L. MOSS moved that the following be inserted to stand as Clause 5:

"Sections one hundred and eight and one hundred and nine of the principal Act are repealed."

Prior to the Act of 1904, appeals from Local Courts were by way of cases stated, and could only be on questions of law which it was necessary to raise before magistrates. Now appeals were by way of rehearing, so there was no need to have the points of law noted, but it was rendered necessary by the sections in the Act he now sought to repeal. There was no difficulty in Perth in getting lawyers and in having points of law noted, but the difficulty did exist in the country. The Parliamentry Draftsman agreed that it would be a good thing to have these sections struck out.

The COLONIAL SECRETARY: Members should not agree to this proposal. If debatable matter was introduced it would endanger the passage of the Bill. Too much importance should not be attributed to the fact that the Parliamentary Draftsman had said that it was right; it was only one man's opinion. It seemed to a layman that nothing would be gained by repealing the two sections, one would rather think they were necessary to facilitate an appeal under Section 110.

Hon. M. L. MOSS: If the clause were highly debatable in character, it was no reason why a deliberative body should decline to enter into its merits. We were not merely a registering machine, but we had to consider the statutes and make them as workable as possible. Many things on the statute book were highly debatable before they got there. If we could show by debate and reasonable intelligence that it was right that certain

things should go on the statute book, no one should decline to vote because they were debatable. If the Committee came to the conclusion that an amendment should be made, it was the duty of members to decide in that direction.

The COLONIAL SECRETARY: It was not said members should not accept or debate any amendment. The use of the word "consolidating" on his part had been an error which he had immediately corrected. There was only one Local Court Act, but a number of amendments were necessary, and a Bill would be brought down repealing the Act and embodying all amendments necessary, instead of taking them piecemeal, but time would not allow it to be done this session. However, the matter of these judgments was urgent, so that this small Bill was brought down, and it was not desirable to endanger its passage by introducing debatable matter when another place might have to consider it in the last few hours of the session.

Hon. M. L. MOSS: We had been dancing attendance while the other Chamber discussed the Estimates, and now all this protest was made because this paltry amendment was moved to the Bill. Reasonable consideration should be given to any amendments proposed by this Chamber, and the Government would not take the responsibility of proroguing Parliament until this necessary Bill went through. If the Assembly would not agree to our amendments it was time enough to consider what we were going to do, but we should not have this threat held over us. It might be held over us in a case where the privileges of the House were being whittled away. He would not withdraw the proposal.

New clause put and passed.

New clause—Amendment of Section 133:

The COLONIAL SECRETARY moved that the following be inserted to stand as Clause 6:

"Section one hundred and thirty-three of the principal Act is amended by striking out the words 'to the prison nearest to the place where he was arrested,' and inserting in place thereof 'to a prison in pursuance of the said warrant.'"

This could not by any stretch of imagination be considered a debatable amendment. It simply provided that where a person was committed to prison, he could be committed to any prison, instead of to the nearest prison as was now the case.

New clause passed.

Title—agreed to.

Bill reported with amendments.

BILL—ROADS CLOSURE.

In Committee.

Clauses 1, 2, 3—agreed to.

Schedule:

Hon. J. W. HACKETT: Had all the closures been approved by the municipal bodies concerned?

The COLONIAL SECRETARY: They had been made at the request of the local bodies.

Schedule passed.

Title—agreed to.

Bill reported without amendment, the report adopted.

BILL—FIRE BRIGADES ACT AMENDMENT.

In Committee.

Bill passed through Committee without debate, reported without amendment; the report adopted.

BILL—HEALTH ACT AMENDMENT (No. 3.)

Second reading.

Debate resumed from 27th January.

Hon. R. F. SHOLL (North): I do not quite know where we stand with regard to this measure. A Bill was introduced and sent down by Message, and as far as I officially understand there has been no reply. I believe one has come down. The question is this: the President has given a certain ruling regarding the introduction of the Bill into the House: if he adheres to the ruling I think it is the duty of the House to support him, and I will be one to

support him. If there is a difference of opinion in the other House, it is the duty of the House to support our President. I think that is the position hon. members should take up in this House. I have seen a Message which has been received from the Legislative Assembly but it has not been read out.

The Colonial Secretary: It has been read out.

Hon. R. F. SHOLL: Then I was absent when it was read out. There is a difference of opinion between the two Chambers with regard to the introduction of the Bill into this House. It was improperly introduced and to save discussion the Government withdrew the Bill and introduced a similar Bill, and passed it through all its stages and sent it to this House for its concurrence. I take it that either the President was right or was wrong in his ruling and unless the President alters his opinion I think members should support him.

The COLONIAL SECRETARY (Hon. J. D. Connolly): As the hon. member has stated a Bill was introduced here and it passed every stage and was sent on to the Assembly. A similar Bill was then introduced in the Assembly, it was passed through all its stages and sent to this House. At the time we considered the Bill at the last sitting of the House we had a reply to Message No. 5 sending down the former Bill from this House. This House took exception, and rightly so. I think too no reply was received to Message No. 5 from another place. Mr. Sholl then moved the adjournment of the debate in order to afford time for another place, if they so desired, to treat this House in a proper manner and to return a Message to our Message No. 5. To-day that Message was received and it has been read to the House. It is as follows:—

> "With reference to Message No. 5 of the Legislative Council, the Legislative Assembly acquaints the Legislative Council that certain doubts having arisen as to whether the Bill therein mentioned was one which could be properly introduced into the Legislative Assembly, the Legislative Assembly resolved in order to avoid any controversy on the question to discharge the order for the second reading of the Bill and to introduce a new Bill in the Legislative Assembly on similar terms, which Bill was forwarded in Message No. 14 to the Legislative Council."

There is no question of the right to introduce this Bill. It is only a question whether the House had received proper treatment in not receiving an answer to our Message. It is not, as Mr. Sholl has stated, throwing any doubt upon the President's ruling, as the Message simply says that "certain doubts having arisen as to whether the Bill was one which could be properly introduced in the Legislative Assembly, the Legislative Assembly resolved, in order to avoid any controversy, etcetera." This is the answer to the Message, and I am just as eager as any other member of the House to see that we give away none of our rights and privileges. I quite agreed with the motion of the hon. member who moved the adjournment in order that the other place should be afforded, if they so desired, to send an answer to our Message No. 5. If that Message had not been here to-day I would have been as ready as any hon. member to refuse to discuss the Bill now under consideration. I trust that after that explanation the House will see fit to pass this Bill, about which there has been a good deal of trouble one way and another, and it is a Bill, I may say, which is badly wanted. If the Legislative Assembly did not do their duty, certainly no fault can be found with their action now. I trust, on account of the urgency of the matter, hon. members will pass the second reading of the Bill now before the House.

Hon. M. L. MOSS (West): I do not propose to vote for the second reading. I cannot refer to *Hansard* of this session, but I have a good memory, and I think on the 10th November of last year, if I remember rightly, the Leader of this House made a speech and said that in order to maintain the undoubted rights and privileges of this Chamber he would introduce a Bill. That Bill has been rejected in another place. It was,

therefore, not presumably, but actually, a Government measure, and if what one sees in the Press with regard to what has occurred in another place is correct, we find that on the motion of the Attorney General the Bill was shelved because it should have originated in the Legislative Assembly. It is a peculiar position. Firstly, it is a privilege Bill, a privilege Bill which has been wrongly introduced, if the contention of the Government is correct. Then, in the next place, the President has given a ruling, and I agree with Mr. Shell, that the House must support the President, because I believe he followed the ruling of a former President, Sir George Shenton. I know that it is a privilege Bill and that the President has ruled that the Bill is in order, but I do not propose to give my vote for the second reading. I take up this attitude, not because I object to what is in the Bill, but it is more as a protest against the manner in which this Chamber has been treated by the Government in another place.

Question put, and a division taken with the following result:—

Ayes	..	..	9
Noes	..	..	16
Majority against		..	7

AYES.

Hon. J. D. Connolly	Hon. W. Patrick
Hon. J. W. Langsford	Hon. C. Sommers
Hon. R. D. McKenzie	Hon. G. Throssell
Hon. W. Oats	Hon. A. G. Jenkins
Hon. E. C. O'Brien	(*Teller*).

NOES.

Hon. E. M. Clarke	Hon. E. McLarty
Hon. F. Connor	Hon. M. L. Moss
Hon. J. W. Hackett	Hon. R. W. Pennefather
Hon. V. Hamersley	Hon. C. A. Piesse
Hon. S. J. Haynes	Hon. G. Randell
Hon. W. Kingsmill	Hon. R. F. Sholl
Hon. R. Laurie	Hon. T. H. Wilding
Hon. W. Maley	Hon. S. Stubbs
	(*Teller*).

Question thus negatived.
Bill defeated.

MOTION—LAND SETTLEMENT AND WATER SUPPLY.

Debate resumed from the 27th January, on the motion of the Hon. V. Hamersley, "That in the interests of land settlement and new selectors, this House is of opinion that the Government should inaugurate a systematic search for water supplies by means of cheap bore holes on every square mile of land suitable for settlement prior to selection, and increase the price of the land to the selector in accordance with the results obtained."

Hon. S. STUBBS (Metropolitan-Suburban): The mover of the motion, I have no doubt, is actuated by a desire to encourage the young farmer who goes out into the far country to take up land with the intention of cultivating it, and making a home and some money for himself and his family. Within the last few months I have had practical experience of the failures that some men have had in connection with the sinking of wells to try and get a plentiful supply of water. In the district of Wagin unfortunately there are patches of country where salt water is found at varying depths, and I think it would appeal to some members if they were placed in the position of some of our selectors, to sink a well 25 feet or 35 feet at a cost of 17s. 6d. or £1 per foot when money is to them a very great item. If they sink a well 20 feet or 30 feet and strike water which is not suitable for drinking purposes or for stock, it must be very disheartening and disappointing. Several wells in the district in which I reside have been sunk by men who can ill afford to spend the money, and they have received no return. If Mr. Hamersley is correct, that a bore can be put down at a cost of 30s. to a depth of 30 feet or 35 feet by a survey party, I am in favour of it being done by the party sent out by the Government to survey the land in the first instance. An extra man or two in a surveyor's camp with a small kit as outlined by Mr. Hamersley would entail very small extra cost. If it were to cost a sum of 40s. or 50s., that amount tacked on to the cost of the land could not be objected to by any new selector. No new selector would grumble when he knows that the supply of water is assured to him on the land which he takes up. I have no desire to labour this question, but it appears to me to be one that the Government might well

take into serious consideration, and the motion is so worded that it is not an infringement of the privileges of another House. A motion of this kind cannot possibly be taken as an infringement of the privileges of another place. If the Government decided to put down an expensive bore which would run into £20 or £50, I would not be in favour of it. The mover of the motion has no desire to tack such a large sum of money on to the cost of the land to be taken up. I venture to say that a number of farmers who take up land find all they can do to make both ends meet for the first few years. If the Government can assist in cheapening the cost to the farmers by giving them a good potable water supply, it will be money well spent. Many departments in the Government service waste a great deal more money than would be spent in finding a good supply of water. This system would be the means of assisting to a large extent a number of deserving farmers who have gone on to the lands of the State. I believe we are on the right track in this direction, and if the Government can see their way clear to give it a trial I think success will follow, and the money will be well spent.

Hon. G. THROSSELL (East): While I heartily approve of the motion, the words "prior to selection" may possibly result in hanging up settlement. It is very desirable for a new selector if he goes on the land to find that the Government will assist him in this direction. In South Africa I learn that there is a plan in existence by which the Government send light boring plants round to the farmers. A farmer makes application to the department, and an officer is sent out with a light boring plant. The only charge to the farmer is that for conveying the plant to the railway station, the conveyance from farm to farm, and the wages of the one man. I had occasion years ago to give this question my consideration, and I have always been impressed with the suitability of the plan for farmers. I am heartily in accord with Mr. Hamersley, but I see no occasion to make the charge on the land. If some such plan as I have mentioned were adopted and the water department sent boring plants round a district, I believe it would serve all the purposes. There is another way to carry out the wishes of the hon. member, especially in regard to the extension of the Coolgardie Water Scheme. In reply to a question I put to the Colonial Secretary a few weeks ago, it was stated that half a million acres of land would be thrown open in June, that land has all been surveyed before selection. It appears to me that we want to adopt some plan by which the Coolgardie mains can be extended in these new districts, such as Tammin. The scheme should be inaugurated before selection takes place, and the selector would thus be guaranteed that the land would be supplied with water and a fair charge made. Instead of the land being sold at a price of 10s. per acre, it could be sold at 10s. plus the extra cost of the water, and then those selecting the land have a guarantee that water is provided for them. This alone would be a magnificent advertisement all along the Eastern line. The settlers are more or less utilising the water scheme, but not unfortunately to the extent they should do, because according to the report of the water board it is shown distinctly that where towns like York and Beverley have the pipes carried through the agricultural lands, very few farmers utilise the water, and therefore it becomes costly. Wherever the water pipes are extended power should be given to the water board to rate farmers on the land. I have an instance in my district where a group of farmers required the water and the Government asked for a 10 per cent. guarantee, and properly so. A number of the farmers will give the guarantee, but others refuse although they will benefit by the extension of the pipes. That difficulty would be overcome, if wherever the pipes are extended and the land is to be benefited by the extension of the pipes, power could be given to the board to rate the land owners. I have instances in my district where farmers are clamouring for water, and they have to cart it a very long distance. They are willing to pay for the water, but they will not guarantee the 10 per cent.. Some will, and others are unwilling. A motion was passed by

the Southern Brook Roads Board, to the effect that the settlers would be quite willing to be rated for the water supply. I mention this because we have to do a great deal for the farmers by utilising the water scheme to a greater extent than at the present time. I have pleasure in supporting the principle contained in the motion, but I do not think it would be wise to provide that there should be a bore put down in every 640 acres before selection. It might interfere with the working of the department. I support the idea which the hon. member has at heart.

The Hon. C. A. PIESSE (South-East): I regret I am unable to support the motion. Members know I am always in favour of doing what I can to support resolutions having for their object the assistance of settlers on the land or the advancement of land settlement. The question appeals to me in this light. First of all we have to consider whether it is right of the Government to serve the settlers in this manner, and then whether the Government can do the work for anything like the money. The hon. member has said it can be done. Looking at it from the settler's point of view I take it that he will not be altogether satisfied with what is done. In cases where the Government are successful in obtaining fresh water on his land, it may be that frequently the bore will be located on a portion of the block where it would be useless to him. As it is whether it suits him or not the cost of the bore will be added to the cost of the land. I do not see that the Government can possibly do anything better than put down at approved short intervals good dams on Government reserves. If this is done great benefit will accrue to all settlers in the district served. Only yesterday a new settler told me that he had been successful in having a 2,000 yards dam filled as a result of recent rain in the eastern agricultural areas. That settler is located seventy-five miles east of the Great Southern Railway. This clearly shows the advantage that would accrue to the farming industry if large dams were constructed at reasonably short distances from one another. The Government might construct dams during the dry periods of the year, and there is no doubt they could be filled with water during the winter. If settlers are assured that there is water within a reasonable distance of them, that is all they ask for. I do not understand all that was said by Mr. Throssell, but I was surprised to notice from the general tenor of his remarks that his views narrowed down to the Coolgardie Water Scheme point of view. I was surprised to hear him speak as he did for it shows that he is now not travelling outside of a radius of eight or ten miles of that water scheme. Apply his remarks to the land along the Midland for instance. What value can be placed upon his arguments by a man holding an area a hundred miles from the water scheme? They are useless. The arguments he adduced do not apply to any area twenty miles north or south of the scheme, for these people there cannot possibly obtain any benefits from water from that source. We want to provide not only for the circumscribed area referred to by the hon. member, but for all agricultural areas of this State. Mr. Hamersley deserves the thanks of all members for having provided them with so much useful and interesting information on the question of a cheap method of testing for water supplies. To my mind, a very important question is what such bores would cost, and my own experience is that it will be very much greater than the hon. member suggests. I know of an instance that occurred recently where in the sinking of a bore, nine men and a dray were engaged. How, in the name of goodness, would it be possible for a settler to pay for the cost of a work of that sort. The cost of the bore would be greater than the value of the land. Who would pay for failures? It would be highly probable that in nineteen cases out of twenty where trials for water were made by boring salt water would be tapped instead of fresh. In such circumstances, as I have said, who would pay for the experiments that had not turned out satisfactorily? Under these circumstances I am compelled to oppose the motion.

On motion by *Hon. W. Patrick* debate adjourned.

House adjourned at 6 p.m.