But the punishment does not follow with cigarette smoking. Boys of 12 and 13 start smoking, and in the course of three or four years, unless they are checked, we find them smoking three or four packets of cigarettes a day, if they have the money to buy them. Indeed, certain manufacturers make a cigarette sold at 10 for 3d., for the express purpose of catering for the appetites of small boys who have not much money. That is wrong; and if we recognise that it is wrong, let us try to stop it. If it is undesirable, as surely it is, that these children should have an unrestricted right to smoke cigarettes and acquire bad habits in addition to doing themselves physical harm, why not step in and say, "We insist on the practice being stopped." This is legislation moving on lines on which a great deal of legislation moves. We deal with such legislation in our Factories Bill, our liquor laws, and elsewhere. One other matter I shall refer to in connection with this Bill. Although justices have the right of dealing with the gold thief, there is, under the Justices Bill which we passed during this session, a right of appeal. On appeal, there can be a re-hearing by a Judge of the Supreme Court or of the Circuit Court. Therefore the matter does not rest entirely in the uncontrolled discretion of justices of the peace.

MR. HASTIE: But supposing a man has not the money to appeal?

THE ATTORNEY GENERAL: It is astonishing how often we hear about the man who has not the money to appeal; but he usually finds the money. Generally, a man charged with gold stealing finds the money; somehow or another that man seems always to have an abundant supply of money. I believe that when members have threshed matters out, they will find the Bill emerge from Committee very much as it went into Committee. Although certain members will oppose certain clauses, the Bill on the whole, will commend itself to the Committee. I believe all these provisions to be good provisions, and I ask the House to approach this Bill as every Bill must be approached, and particularly police Bills, bearing in mind that success will depend not so much on the measure itself as on the wisdom and discretion with which it is administered.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 16 minutes past 11 o'clock, until the next day.

Legislative Assembly,

Wednesday, 15th October. 1902.

The SPEAKER took the Chair at 4·30 o'clock, p.m.

PRAYERS.

QUESTION—AGRICULTURAL AREAS, VICTORIA DISTRICT.

MR. PIGOTT, for Mr. Stone, asked the Premier: 1, Whether it is a fact that nearly the whole of the land resumed as agricultural areas in the Victoria District has been selected. 2, Whether the Government will take the steps to ascertain whether any more suitable land is available for close settlement purposes in the Victoria District.

THE PREMIER replied: 1, Nearly the whole of the land in the Bowes Area has been selected; but in the Chapman and Alma Areas there are still, altogether, about 11,000 acres available. 2, Yes.

BREAD BILL.

THE PREMIER moved for leave to introduce a Bill intituled "An Act to amend the Law relating to the making and sale of Bread."

MR. PIGOTT: Had the Bill been printed?

THE PREMIER: Yes.

MR. PIGOTT: When a Bill was read a first time, it should be distributed amongst members. Of late, Bills had not been distributed as early as they might have been.

Question put and passed.

Bill read a first time.

RABBIT PEST BILL.

Introduced by the PREMIER, and read a first time.

JURY ACT AMENDMENT BILL.

SECOND READING.

MR. W. M. PURKISS (Perth): I have pleasure in moving the second reading of this Bill. It is a measure of three clauses, but the three clauses are practically one. So far as I have been able to gauge public opinion on the merits and demerits of the Bill—and I have taken a great deal of pains to inform myself of the state of public opinion—the measure commends itself not only to the Bench, to legal practitioners and litigants, but to jurymen and the public generally. I say I have been at considerable pains to discover the real state of public feeling on the point. I have devoted a good deal of time to an effort to feel the pulse of all classes of the community, and I find a wonderful concurrence of opinion in the direction of the passage of such a measure as this. The Bill is in no respect revolutionary. Clause 2 provides:—

> If three-fourths at least of any jury of 12 jurymen, or five-sixths of any jury of six jurymen, impanelled on any civil cause shall, after such juries have respectively retired to consider their verdict for a period of at least three hours, intimate to the Judge presiding that the jury have considered their verdict, and that there is no probability of their being unanimous, the verdict of three-fourths or five-sixths, as the case may be, shall be taken and accepted as, and shall have all the consequences of, a verdict of the whole of such juries.

The second clause consists merely of a definition of the expression "civil cause." I do not consider this definition necessary, holding that "civil cause" in Clause 2 would have included all issues of fact triable by a jury. To put the matter beyond doubt, however, Clause 3 provides that the expression "civil cause" in the preceding section includes the trial before a jury of any issue of fact mentioned and referred to in the Divorce and Matrimonial Causes Act. Clause 2 thus settles beyond dispute that "civil cause" includes the trial of issue of facts before a jury under the Divorce and Matrimonial Causes Act. I have said there is nothing revolutionary in a measure of this character. In New South Wales a majority verdict in the trial of all civil cases has been the law of the land since the year 1847. The only difference between this Bill and the New South Wales Act is that, under the latter, it is invariably a three-fourths verdict that is accepted. That difference is due to the fact that in New South Wales civil cases are tried either before a jury of four, or before a jury of 12. In the parent State of the Australian group, the law provides that after a jury has deliberated for six hours, and has intimated to the Judge that there is no possibility of a unanimous verdict, a three-fourths verdict may be accepted as the verdict of the whole. That, I say, has been the law in New South Wales since 1847; and it is the law to-day. New Zealand adopted, in 1880, a measure exactly corresponding with that now before the House. There, civil cases are tried before juries of 12 and juries of six, and when a jury, having deliberated for three hours, informs the Judge that there is no possibility of an agreement, the verdict of nine-twelfths or five-sixths respectively is taken as the verdict of the whole. I can say with every confidence that the law in question, since it was enacted in New Zealand, has given every satisfaction to the Bench, to practitioners, litigants and jurymen, and to the public as well. In this State it has been borne in on me for a considerable time past that there is urgent need for some such amendment of the jury law as proposed by this measure. We have had instances recently—I need not go back 12 months or two years, they have occurred within the last three months—of attempts to tamper with juries in civil cases. In

a case in which I was concerned—this is only two and a half months ago—it came out and was brought to my notice that one of the parties to the suit had endeavoured to tamper with one of the jurymen. The litigant in question was seen, during an adjournment of the case, to be walking with the juryman and to be drinking with him, and was heard conversing with the juryman about the case. When information of these circumstances was brought to me, I, as counsel for one of the litigants, took the trouble to inquire whether the allegations which had been poured into my ear were well-founded. Having ascertained that they were well-founded, I, with the legal representative of the other party to the suit, arranged that the juryman in question should be withdrawn, and that the case should proceed before a smaller jury. Just the other day we had an instance of a juryman rising in the jury box to inform the Bench that an offer of a bribe had been made to him to bring in a certain verdict. Finding that attempts are made to tamper with jurymen, and knowing the weakness of human nature, being well aware also that people of all classes serve on juries, we must recognise that occasionally it may not be impossible to tamper with one of a jury of 12. What is the consequence? A miscarriage of justice. Again, we know that very often we have a juryman so constituted, so differing in calibre from his fellow creatures, as to be an exception to the general rule; a man who will take up some fad or some peculiar view, and stand out, be obstinate, and be an obstacle to arriving at a verdict. Within the last two months, where a trial of issues of fact had engaged the attention of Judge, jury, and counsel for something like ten days, what was the result? A disagreement, after, as I am credibly informed, an expenditure on both sides amounting to something like £2,000. After each side had paid about £1,000 to try to get "yes" or "no" to plain issues of fact, it was found there was a small minority setting up their backs and saying: "No; we know what ought to be done; we shall not fall in with your views." They stuck out; and after this great expense, and the anxiety caused to all parties by such protracted litigation, it was a case of "as you were"; no result. Is that state of things desirable? In all circumstances of life, government by majority is recognised. By a bare majority of one, this House can pass an Act the tendency of which is to deprive a man of rights, even of liberty. Countries, organisations, companies, society at large, are ruled by the opinion of the majority. That rule obtains everywhere. Then, after giving six or twelve men, as the case may be, the right of trying simple issues of fact, after they have deliberated, having sworn to bring in a verdict according to the evidence and to their consciences, when after three hours' deliberation it is found impossible to obtain an absolute concurrence of opinion, why should not a majority verdict be taken? I say a majority verdict rules everywhere. This House, every local body, partnerships, all are ruled by majorities. But as regards the jury system, when there is on a jury such a man as will be found not here only but everywhere else —that peculiar and particularly odd man who will set his face against his fellows because he wishes to be contrary, and who will never be convinced, he seats himself on his own perch, and although conscientiously takes an extreme view, puts his back up against 11 men and says: "I do not think as you do; nothing will ever persuade me;" what is the result? There we have a miscarriage of justice; we have loss, anxiety, and no finality. That is absolutely intolerable. And when it comes to tampering with juries, we know there is always one man in so many hundred or so many thousand who can be tampered with in reference to anything; and in the case of a jury, one has to buy over or tamper with only one man, and then the case has no practical result. Under this Bill, a dishonest litigant would have to tamper with four men. It would be no use trying to bribe three, because nine-twelfths would rule. He would have to bribe, tamper with, or unduly influence four. I put it to the House that while it may be comparatively easy to tamper with one man, and so to obstruct justice, it would be very improbable that anyone could tamper successfully with four out of twelve. There might be one weak-kneed man in twelve; but I think it outside of practical experience to imagine one could tamper with four. However,

there is the Bill. I say we have a good precedent for it; there is nothing in it of a revolutionary character; it has been the law of the land since 1847 in the parent colony, and in New Zealand since 1880. In New South Wales it has evidently given satisfaction, because we do not find any attempt to amend or to alter it, and I have never heard of any agitation against it. It seems to work well; at any rate, it has had over 50 years' trial; it has passed its jubilee. And in New Zealand a law identical with this Bill has been in force since 1880—22 years; and as I know from experience, that law has given great satisfaction to all, from the Bench down to the ranks of the public. I therefore ask the House to pass this Bill, to which I cannot conceive of any objection. It must be an amendment absolutely in the right direction; and I feel sure it will give absolute satisfaction to all classes concerned in the administration of trial by jury. I move the second reading.

The ATTORNEY GENERAL (Hon. Walter James): Personally, I agree with the hon. member in desiring to pass a law to place juries in such a position that a majority or a substantial majority should be able to express what should stand as the will of the whole. It does seem undesirable that when there is a long trial of an issue of fact before twelve jurymen, and one party convinces nine, ten, or eleven jurymen, then because one juryman stands out—because he is an obstinate man—the whole trial should be rendered abortive, and the parties put to great expense. But on the other hand, I think a great number of jury disagreements is due to what I would say with the utmost respect is a lax practice which has grown up of discharging juries too quickly after they retire to consider their verdict. The result has been that juries when they retire know that if they fail to agree in an hour or two they will, in the ordinary course, be discharged; and in such cases there is no incentive to put forth special efforts to come to an agreement. The man who desires to be obstinate suffers no penalty on account of his obstinacy; and if in cases where the trial has been a long one and the issue involved is important, where litigation has been costly, juries when they retired took several hours instead of one or two to see whether they could come to an agreement, I am satisfied that, in the great majority of cases, directly they retired from the jury box they would begin to approach the question with a more sincere and more real desire to secure an agreement than they now exhibit. But even that practice, if it were promoted by the Judges, would not remove the whole of the difficulties pointed out by the hon. member. We have a jury of twelve: if nine out of the twelve be satisfied, I think that ought to be ample justification for allowing the verdict to go in accordance with the finding of the majority. If we have a jury of six, as the law stands to-day their verdict also must be unanimous; and it stands though it is the verdict of only six men. Their verdict is at once recorded; whereas a majority of nine out of twelve is powerless. It is not, therefore, as if there were some mystic influence or weight attached to the agreement of twelve men. There is nothing in the mere number. What we expect from the jury system is a tribunal to give us good, common-sense findings on questions of fact. If the plain direct issues of fact are left to a jury, I do not believe there is a better tribunal you could find. If, on the other hand, juries are asked to find general verdicts one way or another, or if when they are asked to find certain facts, if they were told, "If you find fact A or fact B, it means a verdict for the defendant, or if you find fact C or D a verdict for the plaintiff," their sympathies would, I think, often run away with their good common sense. It is for that reason that I personally disapprove of juries being allowed, more especially in civil cases, to bring in a general verdict for one side or the other: I have known in my own personal experience many instances where juries, by answering certain specific questions in a particular way and have also brought in a general verdict for the plaintiff, but when the law has been applied—and after all that is most important, for it remains there as a fixed guide—the Judge has subsequently held, and in some instances the Full Court has subsequently held, that the facts found by the juries in answer to those specific questions were not facts which justified a verdict being given for the plaintiff. In some instances, in fact it has been so in my

own personal experience, where in accordance with English practice certain questions are put to a jury—I refer now more particularly to actions brought for malicious prosecution—the jury will answer the three questions raising the specific points. It is laid down by the law that there must be a finding of fact on each of those points in a certain way to justify the plaintiff's succeeding. Out of abundant caution a Judge sometimes puts an additional question: "Do you find generally for the plaintiff or for the defendant?" I have known cases where, to the three relevant and pertinent questions in the first instance, dealing with a specific fact, the jury have found answers that by the law of the land amounted to a clear verdict for the defendant, but they have answered the fourth question by saying, "We find for the plaintiff so much damages." Every practitioner must have experienced such instances, and they bring home to all of us that where you leave to a jury a general verdict, it very often leads to very great injustice, whereas if you leave to a jury specific questions, as for instance a finding of fact whether a statement was or was not made, or whether a certain condition of affairs did or did not exist, I believe it to be the best tribunal you can have to settle specific questions; but not by any means the best tribunal for settling the general question of "guilty" or not guilty," because on those questions the jury are too much swayed by their sympathies, more especially when one of the parties, the defendant, happens to be a company, a bank, a corporation, or the Government. There may arise cases where on account of the surrounding feeling it may be desirable to insist that there should be a verdict of the full number, whether it be six or twelve; and I think it would be wiser, instead of enacting by this Bill that where nine agree, or where a majority of five out of six agree, the Judge shall accept their verdict, to allow the Judge to exercise his option; for, in my opinion, it would be found in practical working that in the great majority of cases that option would be exercised in favour of accepting the verdict of the majority; but where on account of some special surrounding circumstances the Judge thinks there ought to be a unanimous verdict, then he should have that power, to prevent what sometimes may be a miscarriage of justice unless that power exists. With that amendment, which I hope the hon. member (Mr. Purkiss) will accept, I shall be glad to support the Bill, because I believe it moves in a correct direction.

Question put and passed.

Bill read a second time.

MOTION—TUART TIMBER LANDS, TO PURCHASE.

Debate resumed from the 10th September, on the motion by Mr. Thomas, "That in view of the great value of tuart timber in this State, the Government should acquire, by purchase or otherwise, any large tract of such timber land within measurable distance of any State railway."

MR. T. HAYWARD (Bunbury): When I asked for the adjournment of this debate, I also applied for certain information with regard to the quantity of timber supposed to be growing on Government lands, and also the quantity used during the last two years by the Government. Those particulars have not been laid on the table, but there has been laid before us a return moved for by the member for Sussex (Mr. Yelverton), in which the total quantity of karri, tuart, or other locally-grown timber used by the locomotive branch of the Railway Department during the last five years is set out as being—karri, 1,884,503 superficial feet; jarrah, 216,490 superficial feet; tuart and white gum, 5,523 superficial feet; which amounts to about one good-sized tree per annum. At the present time the Government hold all the Stirling estate, on which there are about a thousand acres of good tuart land. In addition to this, on Government lands there is a belt of tuart timber extending to something like 40 miles, and on that there is a certain quantity, I cannot say how much. On the strength of that, it is of no use for me to labour the question. It must be apparent to every member that there is no reason whatever why the Government should be called upon to expend money in acquiring, as stated here, "by purchase or otherwise, any large tract of such timber within measureable distance of any State railway."

MR. YELVERTON: What is the quantity of karri timber used?

Mr. HAYWARD: It is 1,884,503 superficial feet.

Mr. H. J. YELVERTON (Sussex): I have heard it said outside this House that there has been some ulterior motive with regard to this motion having been moved. I desire to say that so far as I am concerned, and I trust so far as other members in this House are concerned, I hope the day is far distant when either myself or any other member will endeavour to push a motion through here for personal motives. I support this motion, and I do so because I think it is in the interests of this country that it should be passed, as I am of opinion that it will be beneficial to this State if the Government secure the best tuart timber country in Western Australia, and I believe it will be a matter of economy. The member for Bunbury (Mr. Hayward) has referred to the amount of tuart timber used by the locomotive workshops within the last five years, and he alluded to the very small quantity used. I wish to say that if the locomotive department of this State had been alive to the peculiar qualities, the good qualities, of tuart timber for stock, instead of the karri timber that has been used, amounting to some three thousand and odd loads, tuart would have been used. And I go farther with regard to our forests, and say it has been urged in this House, and it has been often urged in newspapers in this State, that it is desirable in the best interests of the country that the conservation and reforestation of our karri and jarrah forests should be carefully attended to. If this is so with regard to jarrah timber, it is much more the case with regard to tuart timber. The tuart timber in this State is very scarce indeed, and it is a timber which has well-known valuable properties. Indeed it is the most dense, hard, heavy and close-grained wood we have in the State, and it is without question the most valuable timber we possess. It is best obtainable in fairly large quantities and best used for the construction of railway wagons, wheelwrighting, and rollers, and for any purpose for which a hard, heavy, durable wood is necessary. Some few years ago I had inquiries for several large lots of this timber—one man wanted no less a quantity than 2,400 loads; but having made inquiries and taken some trouble to go through the timber that was available, I found it was impossible for me to obtain that quantity, and I had to let the orders pass. Quite recently, within the last few months, I have had several orders offered to me from the goldfields. Under the very greatest difficulty I filled some of those orders, but in the end I had to pass them because I found the difficulty of obtaining the timber was too great, and that whilst I could obtain the logs the cost was excessive. I quite expected—probably it will be so before this debate closes—that you would be told that tuart timber extends from the Moore River to within a few miles of Busselton. I acknowledge that is perfectly true, but tuart timber extending over that long distance is so sparse and so widely scattered as to be of very little commercial value. The cost of obtaining the logs, owing to the wood being scattered over so wide a distance, would be excessive, and utterly useless for milling purposes. With regard to the Stirling estate, I was hoping we would have had a report here this afternoon as to that property and the quantity of tuart timber available upon it. However, it appears that this report is not to hand, but I may say that I myself examined that Stirling estate some years ago with a view of obtaining timber off it, and personally I came to the conclusion that on the south side of the Capel River portion of the Stirling estate, probably a couple of thousand acres might be obtained, giving two loads to the acre; and that on a portion of the land on the north side of the Capel River—I am referring to some that is considered good, and which I know the member for Bunbury thinks very good—there are about 500 acres which in my opinion would also give about two loads to the acre; and a little nearer the boundary there would be found possibly a thousand acres which would give three loads to the acre. That is the conclusion I came to after a careful examination of that country. That totals up to about six or seven thousand loads; but those who know anything with regard to the logs obtained from tuart trees are aware tuart is a very faulty timber, and only about 25 per cent. of marketable timber is obtained from the tree. Although the timber when cut from the tree is of the best,

the quantity of marketable timber is very small indeed. The quantity obtainable, in my opinion, from the Stirling Estate would not amount to more than four or five or possibly six months' work for one of the large mills of this country, and that is a very small quantity. With regard to the timber that is available and might be purchased, I may say the very home of the tuart timber is in the neighbourhood of the Wonnerup railway station; therefore, in my opinion it should be secured, provided that it can be obtained at a reasonable price. In the neighbourhood of Wonnerup there is the best patch of tuart timber which exists in the country; therefore the land there is undoubtedly suitable for conservation purposes. There the young trees could be conserved to a greater advantage than anywhere else in the country. Off one narrow strip of land resumed by the Railway Department, a strip 2 chains wide and possibly about 70 chains long altogether, I may say about 12 or 14 or possibly 15 acres—I know because I had occasion to measure the trees which were felled—430 loads were obtained from that very small patch of country. It figures out at 430 loads, and I arrived at that from actual measurement, not from a mere estimate, and it amounts to 30 cubic yards of timber to the acre. I only advocate the purchase subject to the very fullest inquiry on the part of the Government; and I urge, if the motion be passed, that the Government distinctly understand it is only on their making these full inquiries that it is desired the purchase should be made. The Government should obtain reports from their responsible and expert officers with regard to this country, before they do anything in the matter, not only as to the quantity but as to the quality and value of the timber on the lands which it is desired to purchase; and not only with regard to timber but also as to the quality of the land for grazing and agricultural purposes, particularly as to its suitability for growing vines. If these reports are favourable, and the property is found to be obtainable at a fair and reasonable price, it is undoubtedly the duty of the Government to buy these properties; but I wish it to be distinctly understood that I only urge the purchase of the property after careful and exhaustive inquiry has been made as to the value of the timber on the land. I hope the House will favourably consider the motion.

MR. C. HARPER (Beverley): Before the House arrives at any decision on this matter, we want a good deal more information. The member for Bunbury has pointed out how little tuart timber has been used, and the member for Sussex has pointed out how difficult it is to get the timber. Probably the reason why so little timber has been used is the cost of getting it. The member for Sussex has not enlightened us on that point. It is very evident, if the cost of procuring the timber is very great, tuart timber will not be used any more in the future than it has been in the past. We want to know whether because this timber is scattered thinly over the country, it is difficult to get at a reasonable price? I presume the owner will sell the timber on this land which is supposed to be in the market now. Probably the hon. member for Sussex would say that he could not deal with the owner at a price to enable him to fulfil his orders. Also the hon. member pointed out the very small proportion of the timber that is good. Therefore we ought to know a great deal more about this matter before we pass a motion of this kind. I do not know what steps it is proposed to take with a view of ascertaining the particulars, but certainly I think before we deal with the motion, the Government should obtain the information required.

THE PREMIER: The matter can be dealt with under the motion moved by the hon. member last Wednesday.

MR. HARPER: It might be dealt with under that motion. We want to find out also, supposing this timber can be delivered at a specific rate, how much the Railway Department would use of it; and until we have that information, I do not know if it is worth while purchasing the timber or not. As to the land purchased from the Stirling estate, it is to be hoped it will be dealt with—that part covered with tuart timber—as a forest reserve and conserved, and what timber there is upon it that has matured can be cut and stored, so that the Railway Department can use it if they want timber of that class. I hope the Government will take steps to ascertain how

much is required, the specific cost, and if there is a large quantity of this timber—the hon. member told us that it may be found in the neighbourhood of Wonnerup—and what it could be purchased for, then this House would be able to deal with the matter.

Mr. F. ILLINGWORTH (Cue): While the Government are in search of information, I would like them to obtain some information on another important point, I mean, it appears important to me. How is the State to be refunded for the money spent in purchasing this land? The Government are asked to buy certain timber lands, and as the Government issue timber licenses to persons to go on Crown lands to cut timber, as soon as the Government purchase this land it will be Crown land, and then the timber cutters can go upon it and cut the timber. Will the return to the Government be sufficient to pay for the cost of the land?

Mr. Yelverton: This land should be made a special reserve.

Mr. ILLINGWORTH: If it is intended to buy the land and make it a sort of special forest for a specific kind of timber, that might be worthy the consideration of the Government. But we have to draw the line somewhere in this kind of business. I think the Government ought to be practically certain that the return to the State will be sufficient to recoup them for buying the land, and not to buy a tract of country which can be overrun by timber cutters. If the land is to be a reserve, and it is intended to keep up the plantation and to conserve the timber in the district for special purposes, that is a matter worthy of consideration; but I think, with the member for Beverley, that we want a great deal more light on this matter before the Government purchase the land.

Mr. W. M. PURKISS (Perth): I do no not quite understand the object of a motion of this character. It would appear that certain tracts of land containing a certain amount of tuart timber, which is referred to in the motion as being of great value to the State, should be purchased. I think I have been through this tuart forest. The line from Bunbury to Busselton runs through a great deal of it, and shows what the tuart tree is, and I have been across to the old mill there, and I may say there appears to be a fine forest. The tuart tree is a noble tree, but it appears to me that the land that contains this tuart forest is absolutely valueless for anything else save for the timber. If this country is of such value to the State, why cannot the State, if it wish the timber, buy it from the owners of the land, who are obtaining nothing from the land because nothing will grow under the tuart tree. From my way of thinking, the tuart tree is one of the greatest robbers of the soil. If there is this timber lying idle, the vendors of it will no doubt be willing to sell the timber, and the Government, if they wish to buy the timber from time to time, can do so. Evidently under the motion the owner wants to sell not only this asset, but he wants to add to the amount of the purchase money something for the land. Why should the Government, at large expense, acquire the timber? What would the Government do with the land afterwards? If the Government buy the land for the purpose of obtaining the timber and cut the timber down, the land would be valueless; then what would the Government do with the land? If this timber is so valuable to the community that it can command a great price, and if in the exigencies of the State the Government want to buy one or two trees per annum, which I think is the quantity the member for Bunbury referred to, the owners having this commodity would sell it to the Government, because it is only the timber that gives value to the land. If the Government want to buy this timber for workshop purposes, they can buy it, and there the matter will end. Why should the Government be asked to buy a large tract of country, and not only pay the value of the timber but something for the land, probably an amount equally as large as that for the timber. I do not understand the scope of this motion. I remember when a great brick boom was on in this country some seven years ago, there were people owning brick-kilns, pieces of land having a fee simple sometimes, and saying what a wonderful deposit of clay they had, splendid for making bricks, and that it was paying them 20 per cent.; and these people wished to form these brick-kilns into companies. These people were rushing

about asking myself and others to take up shares. I replied: "My dear sir, if it is paying you 20 per cent., why not settle down on it?" If these people have timber which is of value to the State to be used in the railway workshops, why do they not enjoy the benefit of that timber and sell it? If there is a demand for it, the owners will be able to sell, and if the Government want the timber, they will buy it. Two or three trees can be cut down at a time and sold to the Government. It is just the same in regard to agricultural areas. We see beautiful agricultural land advertised, and deputations go to the Government pointing out the magnificent quality of the land for settlement, yet we find this very land has been locked up and done nothing with as long as this country has been in existence, ever since Western Australia has been colonised. If it is so valuable and so suitable for settlement, why did not the present owners, instead of sitting down for 30, 40, and even 50 years and doing nothing with the land, cut it up and try to make a settlement for themselves? But no; they tell the Government, "This is a beautiful estate; you had better resume it." Then the Government resume the estate and settle it.

MR. JACOBY: The Government lose nothing by the process.

MR. PURKISS: If the tracts of land resold to the Government in the past were so valuable, why did not the private owners get them settled? At any rate, I really cannot see the object of this motion; and although I do not wish to raise violent opposition to it, I must, without farther enlightenment, according to my present lights vote against it.

MR. G. TAYLOR (Mount Margaret): There is a great discrepancy between the statements read by the member for Bunbury (Mr. Hayward) from the return showing the quantity of tuart timber used by the State in the past, and the observations of the member for Sussex (Mr. Yelverton), who, if I remember rightly, said that he could have sold something like 2,000 loads of tuart timber several years ago. As there are 600 feet to the load, the quantity which the member for Sussex could have sold is even more than the quantity which it is proposed the State shall purchase. It appears that tuart timber requires for its growth favourable country. The member for Sussex states that 14 acres of tuart forest which came under his observation yielded an average of something like 30 loads to the acre, but he also observes that the tuart timber on the Stirling estate is equal to only two or three loads to the acre: a very considerable difference. Knowing something about timber, I explain the difference by the assumption that the Stirling estate has been cut over by timber getters, and that thus the pick of the forest is gone, whilst the good belt of tuart timber near the Wonnerup railway station, which I understand the Government are asked to purchase, is maiden forest. Those acquainted with the subject know that if one forest yields 30 loads to the acre and another only two or three, the former must be really good and the latter thoroughly bad. Indeed, a belt yielding only two or three loads per acre can hardly be called a forest. Hon. members who know the country may be able to enlighten the House on the point. I am decidedly in favour of the State reserving valuable forests, which we may regard as one of our chief assets; but, at the same time, I do not feel disposed to recommend the Government to purchase from private people land merely for the sake of the timber growing on it, which timber, according to the return laid on the table, is so little used. As the member for Perth (Mr. Purkiss) has pointed out, the Government, if they need the timber, can purchase it as required from private persons on whose land it grows. Surely, if the timber will be a valuable asset to the State, it must also be a valuable asset to its present owners. If the land, apart from the timber, is valueless, then it appears that the State gets nothing but the timber in the first place when purchasing the land in addition to the forests. That is what I have gathered from the remarks of various members.

MR. YELVERTON: The land is not valueless.

MR. TAYLOR: I did not gather that it was valuable from the speech of the hon. member, or from the observations of any other member. The Government would do well to exercise caution in these matters. I am not disposed to assert that any member of this House is capable of

making a motion with the object of personal private gain. Such a thing, though it might happen once, could hardly occur twice, for I think there are many members who would not easily allow the State to be imposed on for the second time. I shall not, therefore, attribute this motion to any motive such as indicated. If the timber be of great value to the State, the Government should conserve it. If it can be conserved only by repurchasing land, then the duty of Ministers is to make the best possible deal for the State, just as a private individual would make the best possible bargain for himself. If the timber be required for railway purposes, I see nothing to prevent the Government from purchasing the timber alone. Before the motion is decided on, Ministers might submit farther information; and I hope they will move in that direction. Being a goldfields member, I have not travelled much in that portion of the State where timber grows abundantly. Certainly, there is little timber on the goldfields; and the time will yet come when all the timber on the coast will be required by mines opening up.

Mr. J. M. HOPKINS (Boulder): I take it that the mover (Mr. Thomas) did not anticipate that his motion would be carried, and I take it also that the member for Sussex (Mr. Yelverton) in supporting the motion was actuated chiefly by a desire to bring under the notice of Parliament the value of tuart. I believe that two ship-loads of that timber were exported to England some 35 years ago, and that none has gone since; which is hardly a recommendation for tuart.

Member: But tuart lasts so long.

Mr. HOPKINS: Yes; it is evidently very lasting, for those two ship-loads have kept England going for 35 years. I understand that the Stirling estate, which is situated within two miles of a railway station, carries a large quantity of this timber. The member for Subiaco (Mr. Daglish), I believe, has large belts of tuart growing in his electorate, which of course is in close proximity to the city of Perth and to the seaboard. It would be just as well if members supporting the motion would refrain from pressing it, because I fail to see how it can be carried on the scanty information before us. The subject of the motion is rather one to be inquired into by the Government, with a view to representations being made to the proper authorities to have tuart used in the railway workshops.

Mr. A. J. DIAMOND (South Fremantle): This motion, I think, is to be regarded as a quiet practical joke on the part of the member for Dundas (Mr. Thomas). As the House lacks subjects of amusement in the hon. member's absence, he has kindly left us something with which to entertain ourselves. Tuart timber is used by wagon builders as well as by the Government workshops, and the wagon builders and any other people using it are perfectly capable of obtaining sufficient supplies. I shall certainly vote against the motion, as I see no possible good to be attained by carrying it.

Mr. R. HASTIE (Kanowna): I do not know whether it is fair to say that we have no information on the subject of this motion, because the member for Sussex (Mr. Yelverton) has offered certain remarks. The hon. member has told us that tuart timber is of no present value.

Mr. Yelverton: I did not tell you that.

Mr. HASTIE: The member for Bunbury (Mr. Hayward) has told us that tuart is not being used by the Government, or that the quantity being used is so small as to be equal to about one tree per annum. The whole tendency of the remarks of the member for Sussex was that the timber is so difficult to get that the cutting of it does not pay saw-millers. He told us that in one or two places the timber grew more thickly than in others, but he also stated that he could not fill orders for the timber.

Mr. Yelverton: Because the timber I needed grows on private property.

Mr. HASTIE: Surely tuart will grow on land even if it is not private property.

Mr. Yelverton: As a matter of fact, very little tuart is obtainable on other than private lands.

Mr. HASTIE: Is the difficulty this, that people who have tuart growing on their property demand such a high

royalty that saw-millers cannot cut tuart profitably?

MR. YELVERTON: That may have been so in the past.

MR. HASTIE: What makes tuart a valuable timber? The value of a thing is what it will bring in the market; and, judging from what has been stated, I gather that at the present moment tuart is of practically little value.

MR. YELVERTON: I have been selling tuart recently, as much as I could obtain, at three times the price of jarrah.

MR. HASTIE: Is there great danger that the country will be denuded of this timber? Where is the danger? I should be glad of some information on the subject, because, until the hon. member explained by way of interjection just now, the debate had left me under the impression that the timber is of little present value, and therefore I considered that the Government should hesitate before purchasing a quantity of it. The motion refers to "the great value of tuart timber," whilst the member for Sussex and others assure us that in years to come tuart will be highly valuable for railway purposes. Surely we cannot go on that evidence alone. I know of half a dozen people who have patents which they assure anybody who they think will give them plenty of money for those patents will be of great value in the hereafter. The main difficulty in this connection is the dearth of expert opinion on timber. Unfortunately, we have not a conservator of forests nor any man who can give us information on timber, with the exception perhaps of one or two men in comparatively low positions, that is positions poorly paid, comparatively speaking. I refer to the forest rangers. That, probably, is the reason why no member of the Government has risen to enlighten the House on this subject. I trust that Ministers, when making the inquiries ordered by the resolution adopted at the instance of the member for Beverley (Mr. Harper), will put themselves in a position to instruct us on the subject of this motion also. Meanwhile, however, it would not be advisable to pass any such motion as that before us, seeing that the saw-millers are not likely to collect and destroy this timber, and seeing also that so far as we know, neither the Railway Department nor any other big Government department is in want of this timber.

Question put and negatived.

MOTION—CAMELS IMPORTATION
(FAIZ MAHOMET).

Debate resumed from the 8th October, on the motion by Mr. Monger, "That the report of the select committee appointed to inquire into the allegations made by Faiz Mahomet in his petition to the House be adopted;" and on the amendment by Mr. Jacoby, to refer the report to the committee for farther consideration.

THE COLONIAL SECRETARY (Hon. W. Kingsmill): Why the amendment should alter the attitude of the Government was not apparent, such attitude being that if Mr. Faiz Mahomet had any rights, those rights should be adjusted in a court of law and not by Parliament; therefore the postponement of the motion in order to admit of farther evidence which might or might not have value in determining the facts would not affect the attitude of the Ministry. As stated during the debate on the main question, it was therefore only natural that the Government should oppose both amendment and motion.

Question—that the words proposed to be struck out stand part of the motion—put, and a division called for.

THE SPEAKER: As there seemed to be some misunderstanding as to the question, he would ask hon. members to resume their places so that it might again be put.

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

Ayes	...	...	12
Noes	...	...	12
A tie	...	...	0

AYES.	NOES.
Mr. Daglish	Mr. Atkins
Mr. Gregory	Mr. Diamond
Mr. Hayward	Mr. Ewing
Mr. Hicks	Mr. Gordon
Mr. Holman	Mr. Hastie
Mr. Hutchinson	Mr. Monger
Mr. Illingworth	Mr. Nanson
Mr. James	Mr. Phillips
Mr. Kingsmill	Mr. Pigott
Mr. Taylor	Mr. Quinlan
Mr. Yelverton	Mr. Stone
Mr. Wallace (*Teller*).	Mr. Jacoby (*Teller*).

THE SPEAKER gave his casting vote with the Ayes.

Amendment thus negatived.

Main question—that the report of the select committee be adopted—put, and

a division taken with the following result:—

Ayes	...	...	8
Noes	...	...	18
Majority against		...	10

AYES.	NOES.
Mr. Gordon	Mr. Atkins
Mr. Jacoby	Mr. Daglish
Mr. Monger	Mr. Ewing
Mr. Phillips	Mr. Gregory
Mr. Quinlan	Mr. Hastie
Mr. Stone	Mr. Hayward
Mr. Yelverton	Mr. Hicks
Mr. Diamond (*Teller*).	Mr. Holman
	Mr. Hutchinson
	Mr. Illingworth
	Mr. James
	Mr. Kingsmill
	Mr. McDonald
	Mr. Nanson
	Mr. Pigott
	Mr. Taylor
	Mr. Wallace
	Mr. Higham (*Teller*).

Question thus negatived.

POINT OF ORDER.

MR. MONGER: May I ask whether a member who sat on a committee which voted unanimously for the report, can be allowed to vote against it? I would like to have your opinion on that question.

THE SPEAKER: I think he can.

MR. MONGER: After having supported it in the first instance?

THE SPEAKER: His conduct on the committee has nothing to do with his conduct in the House.

MR. HOLMAN: The hon. member says the members of the committee voted unanimously.

MR. JACOBY: Is the hon. member in order in challenging a vote?

THE SPEAKER: You cannot discuss it now.

MR. HOLMAN: I merely speak in explanation.

THE SPEAKER: The names of the members of the select committee appear in the divisions printed in the report. Members can see that.

PHARMACY AND POISONS ACT AMENDMENT BILL.

SECOND READING.

Debate resumed from the 2nd September.

MR. DAGLISH (Subiaco): I do not propose to oppose this Bill on the second reading; but I think that before it gets into the Committee stage very careful attention will have to be devoted to it. There can be no doubt it is desirable in the interests of the public safety that we should assure ourselves that all persons carrying on business as chemists and druggists are, at all events, fully qualified to compound drugs made up, and to attend to the other business which falls upon a chemist. But at the same time, as far as I am able to gather, there can be little doubt that this Bill is aimed at certain persons who are already in business, who in some instances have been in business for a considerable period, and who have practised their business without in any way entailing injury to the public. I certainly think that before this House legislates away the existing rights of any individuals or class of traders, good reason should be shown to establish the necessity for such legislation, and no attempt has been made so far by the Government to establish a case against any of those persons whose rights are now being affected. I shall certainly, though allowing the Bill to pass without opposition on the second reading, oppose the passage of the Bill on the third reading unless, whilst it is in Committee, some provision be made to protect existing rights, to protect those persons who have built up businesses within the scope of the present law as it has stood since 1894. I am quite satisfied that if we pass the measure as it stands, we shall virtually confiscate the businesses of a certain number of individuals. The House is not justified in doing so, and I am convinced likewise that members of this House do not desire or intend that any action they take should have that effect. But if we wish to avoid it, it will be absolutely necessary to have a clause inserted safeguarding existing interests. I would also like to object to the limitation of six months as the time during which a mortgagee can control a business which has been taken over in consequence of the failure by a chemist to meet his liabilities. We should absolutely protect the mortgagee not only for his own sake, but in the interests of the chemist himself. The passage of such a provision as paragraph (*d*) would make it very difficult indeed for a chemist who happened to meet with financial stress and trouble to obtain any advance on the security of his business; and I think we should, in the interests of the chemists themselves, pre-

vent the time during which a mortgagee can carry on a business under a registered chemist from being limited to six months. Clause 2 also seems to me objectionable, inasmuch as it prevents the widow or family of a chemist who has built up a business, and who has been called away by death, from enjoying the fruits of the industry of their bread-winner.

THE PREMIER: Under the present conditions they cannot carry on for a day.

MR. DAGLISH: Then it is not unreasonable that the Government should give the privilege to them to carry the business on continuously, so long as the interests of the public are protected. We really want to legislate not for the purpose of putting a ring fence around certain privileged individuals, but for the benefit of the whole of the public. We want to limit the number of people who shall carry on the trade of chemists, not in the interests of those persons engaged in the profession, but in the interests of the public; and so long as we protect the public by providing that the widow or executor of a chemist shall be represented by a registered chemist having control of the business, it does not matter to the public how long that control lasts. As a matter of fact, if we allow it to exist only for six months, we absolutely rob the widow and family of the fruits of the industry of their deceased bread-winner, and I contend it would be absolutely unjust to allow a clause like that to pass. I am farther prepared to say it is not the desire of a great portion of the registered chemists that this clause should pass in its present form. Their wish is that when they succeed in building up a business they shall have the same right as is enjoyed in other walks of life, to will their business to those who come after them, and they desire that their families shall enjoy the full fruits of whatever business they may possess, and enjoy them not only for a paltry term of six months, but for the term of their natural lives, if they so please. I am willing to see this Bill go into Committee, but I shall certainly, unless it is materially altered whilst in the Committee stage, vote against the third reading.

MR. A. J. DIAMOND (South Fremantle): The member for Subiaco (Mr. Daglish) has virtually said what I was about to say myself, especially in regard to the widow and children or the heir of a deceased chemist. If the law at present on the statute-book is worse than Clause 2, I say it is a disgrace to our statute-book. For the life of me I can see no earthly reason why a business left by a deceased chemist to his heirs should not be carried on to all time, if it suits the family and their interests; provided, of course, that the law is carried out in effect, the business being under the management of a registered chemist. I cannot see why any attempt should be made to make such a restriction as this. I am reluctant, in fact I would not accuse any group of chemists in any town of being guilty of such a thing; but, at any rate, the clause leaves the door open for the chemists in the town to fleece a poor woman out of her property.

MR. ILLINGWORTH: The same with the creditors.

MR. DIAMOND: I am not so anxious about the creditors, because the creditors are usually the wholesale druggists, and they will take very active steps to protect their own interests. They would soon have somebody in the shop to carry it on. I am thinking far more of the widow and children. As a rule, chemists are married and have families. I cannot see why this attempt should be made to restrict the rights of the widow and orphan.

THE PREMIER: This Bill does not restrict the rights; it enlarges them.

MR. DIAMOND: If the Act already in existence is as the Premier says, then I assert it is a disgrace to the statute-book.

THE PREMIER: This Bill is enlarging the Act.

MR. DIAMOND: I say there is no earthly reason whatever why the business of a chemist should not be carried on by his executors for all time, as long as the law is complied with in the fact of the business being under the active management of a qualified man. I will vote for the second reading of the Bill; but, with the member for Subiaco, I will join in attempts to amend it.

MR. R. HASTIE (Kanowna): I heard an interjection from the Premier when the member for Subiaco was speaking,

and I fail to see why we should pass the second reading of the Bill. According to that interjection, the widow of a chemist is bound to sell that business almost at once. There should be a provision something like Clause 2, but the widow's rights should be much extended. I do not think that the best course to adopt would be to pass this measure, and then to extend the provision. I would suggest that a much better mode of proceeding would be for the Premier to withdraw the measure, and introduce another having that distinct object, because this Bill has another clause, Clause 1, which declares that certain rights may be held by a company which are denied to the individual; and if we pass the second reading of this measure, it may be taken that we agree to that principle. It will be remembered that when we were discussing this Bill before, this principle was repudiated by everyone except the leader of the Government. If it be possible, let this measure be withdrawn, and then provision could be made for the widow of a chemist to continue in the business, provided she fulfilled the requirements of the Act which relate to a company, and not be forced at any time to sell the business unless she wished to do so. These are the only two enactments proposed in this measure, except the third, which the Premier explained was required on account of a technical error in the drafting of the previous Bill. Unless the Premier can give us some particularly good reason why we should vote for the second reading, and discuss the real merits of the Bill in Committee, I do not see why we should pass the measure.

MR. J. M. HOPKINS (Boulder): So far as I am concerned, I confess the Bill as it stands is not acceptable to myself. One of the principal reasons has been advanced by the member for Subiaco, when he referred to a chemist dying and willing his property to his wife and family. The Bill says that the business shall only continue for six months, although that business has taken the deceased husband his life-time to work up and to establish. Perhaps his eldest son would, in 12 or 18 months, be qualified to take up the business, yet he is not allowed to do so because a statutory declaration of this sort says that the business must be sold in six months. In my district there was a chemist who wished to open business and to take a partner who was studying to become a qualified pharmaceutical chemist. The assistant provided the money; subsequently the chemist took to drink, and the partnership had to be dissolved. How hard it would be on that student, who could not carry on the business up to the time of his examination by a deputy: he would have to lose all his money. Under this Bill he would be forced to sell out his interest. Taking these things into consideration, I cannot give my support to the Bill as it stands at the present time.

THE PREMIER (in reply): The observations that have fallen from members show the disadvantage of having the second-reading debate of a Bill adjourned for such a length of time. The member for Subiaco pointed out that no attempt had been made by the Government to justify this Bill so far as it interferes with existing rights. When moving the second reading, I said I introduced this Bill as a private measure and not as a Government measure, and I also said that there would be a clause inserted to protect existing rights; therefore I do not see the force of the hon. member's objection, and I only put the remark down to the length of time since the second reading was moved. A suggestion has been made that the Bill should be withdrawn. I think this is a Bill which should be considered. The main issue is that the business of a chemist must be carried on by a chemist, which is just the same as saying that the business of a doctor must be carried on by a doctor, and that of a lawyer must be carried on by a lawyer. A doctor carries on the business of a doctor, a lawyer that of a lawyer, and even a member of Parliament is not allowed to carry on by means of a deputy. We insist on certain qualifications being imposed on a chemist because he performs certain serious duties. We should not allow a man who is not a chemist to sweat the man who is a chemist. As the law stands to-day, I can open a business as a chemist and call myself a chemist, so long as I employ a qualified man to do the work. As the law stands to-day, I can pose as "Walter James, chemist," while I possess no such qualification. Is that

desirable? In the old country companies are allowed by the technical construction placed on the Act to carry on business, but in a case which arose in the House of Lords a little time ago, the Lord Chancellor strongly animadverted upon the fact that persons who were not chemists were allowed to trade as chemists, not having the qualifications necessary. In introducing the Bill, I said I failed to see what reason there was for a qualified person being employed by another person who called himself a chemist. I do not see any reason now, and I propose to allow, if the House will support me, no one who is not a practising chemist to call himself a chemist.

MR. JACOBY: Will that affect a doctor carrying on the business of a chemist?

THE PREMIER: I said that I proposed, if the House would allow me, to insert a provision not to allow anyone to carry on the business of a chemist unless he has the qualifications of a chemist. Under the law as it stands to-day a duly qualified practitioner is allowed to trade as a chemist, and as he has all the qualifications of a chemist he knows not only as much but considerably more than a chemist. Any doctor can dispense medicines, and a great number do dispense medicines; they are all taught to do so, and all not only have the qualifications but considerably more qualifications than a duly qualified pharmaceutical chemist. Let me refer to another matter arising from an interjection by the member for Boulder. In introducing the Bill I said that provision would be made to safeguard the rights of the men practising to-day, and I said in answer to the member for Subiaco, who said in rather warm terms that I had made no attempt to justify the retrospective operation of the law, that not only had I made an attempt but I said that I would introduce a clause into the Bill. The main point we were discussing on the second reading of the measure was whether it was advisable to limit the business of a chemist to a chemist pure and simple. All the other points, members who heard the second reading debate were satisfied with. We ought not to allow any person to carry on the business of a chemist unless he is a chemist.

MR. HASTIE: A chemist must employ another chemist.

THE PREMIER: That is another point. I propose to let Clause 1 stand as follows: "Section 38 of the principal Act is amended by striking out paragraph (*b*) of Subsection 1." That strikes out persons and companies, and provides that if a person calls himself a chemist and practises as one he must be a chemist. No person should carry on the business of a chemist unless he is qualified to do so.

MR. ILLINGWORTH: You are a lawyer, and if you go away and leave as good a lawyer in your place the law allows you to do that.

THE PREMIER: The law does not allow that. I may have my clerks and my assistants, but my business must be my business.

MR. HOPKINS: Are there not legal firms in Western Australia from which principals have retired long ago and are drawing profits, and the businesses are carried on in the names of those persons?

THE PREMIER: I do not think it possible to find a case in which a firm of lawyers is carrying on business nominally while the business belongs to one man who is a layman: the law does not allow that.

MR. HOPKINS: What about the Trustee Executor and Agency Co.?

THE PREMIER: What has that to do with this Bill?

MR. HOPKINS: Do they not do legal work?

THE PREMIER: No; they do not. They do not do legal work in the sense that they are a legal firm. Any man can do legal work; land agents do legal work, but they are not lawyers and are not allowed to charge as lawyers.

MR. HOPKINS: Would it not be hard to get chemists in remote districts?

THE PREMIER: Even as the law stands to-day there have to be qualified chemists in remote districts, because no one unless he be a chemist can compound or dispense; but under the present system a man who is not a chemist can sweat a man who is a chemist.

MR. JACOBY: It is not necessary to say "sweat."

THE PREMIER: But the sweating does come in. You have a business that is carried on by a man who is a registered chemist; that business has to keep him and the owner; it is not big enough for

two chemists or there would be two chemists doing the work, therefore the work of one man keeps himself and the owner. That is a condition of affairs that does arise, and that is sweating.

MR. DAGLISH: That is just the same as a man borrowing money on his stock.

THE PREMIER: I have never heard before the suggestion that when a man borrows money he is sweated. Of course if people go to Jews and borrow money at 60 cent., then that is a different thing.

MR. HASTIE: Supposing a chemist wishes to go away for a three-months' trip or a six-months trip, he must close his shop?

THE PREMIER: Supposing a doctor is sick and he wants to go for a holiday, has he the power to authorise a member of this House to carry on his business for him?

MEMBER: He appoints another doctor.

THE PREMIER: So can a chemist appoint another chemist.

MR. ILLINGWORTH: But that is what you object to.

THE PREMIER: No: I object to a layman who for all practical purposes is posing as a chemist.

MR. DAGLISH: Then a chemist can sweat a chemist.

THE PREMIER: If a chemist goes away, then another man is put in his place. If the House thinks there should be the right of a person to carry on the business of a chemist through a registered chemist, well and good. I do not think it is right. I do not think the rule should apply to a chemist any more than it applies to a doctor or a lawyer.

MR. HASTIE: Is there any law which prevents a doctor or a lawyer being treated that way?

THE PREMIER: Yes; there is. If a lawyer shares his profits with a layman he is debarred. It appears from the attitude of the Labour bench that only trade unions can have protection. When we ask for protection for a chemist, the members of the Labour bench deny that protection to him, and in the same spirit every piece of legislation which has been introduced into the House that has a tendency to insist on qualifications, and with qualifications the necessary restrictions on unqualified persons has been opposed by the Labour party, unless the legislation deals with unions. We are told that we are putting a barb wire or a ring fence around it. Just fancy a "ring fence" being suggested by the Labour party. We find the Labour organisations always ready to insist that we should not open wide the gates to enter their preserves whilst they want to open the gates of all other preserves. I think I am right in saying that members ask why if a man has the capital, not use it in employing a chemist who has qualifications. I think, as a rule that leads to sweating; that is the natural result; and the farther result that follows from it is that if you insist on the qualification, the man who carries on the business and makes the profit ought to be given the exclusive right to carry on that business. I think, however, that the House will agree with me on this farther point: whether a person ought to have the right to carry on a business by means of a qualified chemist or not, he ought not to call himself a qualified chemist.

At 6·30, the SPEAKER left the Chair.
At 7·30, Chair resumed.

THE PREMIER (continuing): I have no more to say, beyond that after the second reading has been passed I shall put off farther consideration of the Bill for a week, in the hope that then I shall find the House in a better temper, and also in order that I may devise such amendments as will induce hon. members to leave me some small portion of the measure. I trust that when the measure gets into Committee it will encounter a much better-tempered House than the present.

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

Ayes	...	...	14
Noes	...	...	7
Majority for	...	...	7

AYES.	NOES.
Mr. Daglish	Mr. Harper
Mr. Diamond	Mr. Hastie
Mr. Ewing	Mr. Hopkins
Mr. Gordon	Mr. Illingworth
Mr. Gregory	Mr. Pigott
Mr. Hayward	Mr. Purkiss
Mr. Hicks	Mr. Jacoby (*Teller*).
Mr. Hutchinson	
Mr. James	
Mr. McDonald	
Mr. Monger	
Mr. Quinlan	
Mr. Stone	
Mr. Higham (*Teller*).	

Question thus passed.
Bill read a second time.

COMMITTEE STAGE.

THE PREMIER moved that the consideration of the Bill in Committee be made an order for this day week.

MR. DAGLISH: What reason was there for not proceeding with the Bill to-night, when the House was well seised of the provisions of the measure and also of what had been said on the second reading? If the Bill were postponed for a week, it would be necessary to begin discussing it *de novo*, whereas if proceeded with now the whole business could be settled in ten minutes probably. He protested against these continual delays. In this case in particular delay might be absolutely fatal to the measure, since various important Bills to be considered were bound to be given precedence at subsequent sittings.

THE PREMIER: Even if this Bill had not been reached before tea, the intention of the Government had been to pass it over and proceed after the dinner adjournment with Government Bills on the Notice Paper, as had been the practice recently. Ministers were anxious to get on with the more important business.

Question passed, and the order made accordingly.

AGRICULTURAL BANK ACT AMENDMENT BILL.

IN COMMITTEE.

Resumed from the previous day; the PREMIER in charge.

New clause—Repayment:

THE PREMIER moved that the following be added:—

When portion of an advance is made to enable a borrower to pay off liabilities already existing on his holding, the repayment of so much of the advance shall begin at the expiration of one year from the first day of January or the first day of July, as the case may be, next following the date of the advance.

Under the existing law, the first repayment had to be made in five years after the advance had been granted. Where part of an advance was used to pay off an existing liability, that factor left the borrower with an obligation to pay interest, and therefore the period of five years ought to be shortened. To that end this new clause was proposed.

MR. ILLINGWORTH: If an advance were made in December, would not the borrower have to make the first repayment on the 1st July following?

THE PREMIER: No; because repayment of the advance would begin at the expiration of one year from the 1st of January next following the date of such advance. The borrower would in any case be allowed 12 months, and in some cases he might be allowed as much as 14½ months.

Question passed, and the clause added to the Bill.

New Clause—Existing liabilities:

THE PREMIER moved that the following be added:—

No advance shall be made for the sole purpose of paying off existing liabilities.

This clause was intended to meet what was equally the wish of the House and the Government.

Question passed, and clause added to the Bill.

New Clause—Commencement.

THE PREMIER moved that the following be added:—

This Act shall come into operation on the first day of March, 1903.

Question passed, and the clause added to the Bill.

Title—agreed to.

Bill reported with amendments, and the report adopted.

MARINE STORES BILL.

COUNCIL'S AMENDMENTS.

Schedule of two amendments made by the Legislative Council now considered in Committee.

THE PREMIER moved that the amendments be agreed to.

Question passed.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Papers in connection with the deviation in the course of the s.s. "Sophocles" from Albany to Fremantle.

Ordered: To lie on the table.

JUSTICES BILL.

COUNCIL'S AMENDMENTS.

Schedule of 33 amendments made by the Legislative Council now considered in Committee.

On motions by the ATTORNEY GENERAL amendments 1 to 6 agreed to.

No. 7—Clause 88, strike out the whole:

THE ATTORNEY GENERAL: The clause would enable justices to prohibit the publication of evidence in certain cases until the determination; and altogether to prohibit such publication if the defendant were discharged or the complaint dismissed. Though great injustice was sometimes done by publication, there were doubtless strong arguments on both sides; and as the Upper House was convinced of the undesirableness of the clause, he moved that the amendment be agreed to.

Question passed, and the amendment agreed to.

Amendments Nos. 8 to 31:

THE ATTORNEY GENERAL explained the effect of these several amendments, most of which were to correct errors of detail which had been detected on re-examination of the clauses after passing through the Assembly, and were made by the Legislative Council on the recommendation of the Minister there in charge of the Bill.

Amendments agreed to.

No. 32—In the fifth schedule, in the item "mileage," strike out "(except where complaint made by police), one shilling," and insert "(including summons on complaint by police), one shilling per mile (one way only), excepting where a railway is available. If a railway is available, railway fare, where summons served by police, and in other cases railway fare and 10 shillings per day, or five shillings per half day, for time occupied in travelling":

THE ATTORNEY GENERAL moved that the amendment be agreed to. It described the fees to be taken. There was a definition of mileage, and it was proposed to amend that. The fee of 10s. per day mentioned in the amendment seemed rather high, but he supposed it was inserted in view of the high rate of wages.

MR. DAGLISH: Was it for professional men?

THE ATTORNEY GENERAL: No; for bailiffs. They were the persons who, as a rule, served these summonses. If one travelled on the railway, the only amount allowed was railway fare where the summons was served by the police, but in other cases they got railway fare and 10s. a day or 5s. for half a day for the time occupied in travelling.

MR. JOHNSON: Did the hon. gentleman mean eight hours?

THE ATTORNEY GENERAL: That ideal was only recognised in a few select trades.

MR. STONE: If a man went only five miles, was he entitled to a day's pay?

THE ATTORNEY GENERAL: Only half a day's pay.

MR. STONE: But suppose he had to wait, and that he got home late?

THE ATTORNEY GENERAL: Then he would get the 10s. In nearly every case a bailiff was paid by fees.

MR. HASTIE: If a bailiff took the whole day would he only get 10s.?

THE ATTORNEY GENERAL: Yes. Supposing a bailiff had six summonses to serve in one place, it averaged out all right.

MR. DAGLISH: Would the bailiff get the six days' pay?

THE ATTORNEY GENERAL: There was a separate charge on each summons, in cases like that.

MR. STONE: If a man travelled by train and received ten shillings, he should not be allowed a day's pay; he should only be allowed the shilling per mile.

THE ATTORNEY GENERAL: Supposing it took all day? A man might go by train and return the same night.

MR. TAYLOR: Would a man only get ten shillings if he served ten summonses in one day?

THE ATTORNEY GENERAL: That did not often happen. Whenever summonses were issued, say in Perth on a person resident in Fremantle, the summons was sent to the Fremantle bailiff to serve, and the same applied to summonses issued for persons in Kalgoorlie or Coolgardie. The mileage was only counted when the man was reached in the bailiff's own district.

MR. JACOBY: It would be advisable to insert "second class" before the word "fare."

THE ATTORNEY GENERAL: The clerk of the court would not allow a first-class fare.

Amendment passed.

No. 33—New clause (appeals) to stand as Clause 223:—"Notwithstanding anything contained in any other Act to the

contrary, there shall be no appeal from any summary conviction or order of justices except as provided by this Act."

New clause agreed to.

Resolutions reported, the report adopted, and a message accordingly returned to the Legislative Council.

ROADS ACT AMENDMENT BILL.
IN COMMITTEE.

Resumed from the 7th October; the PREMIER in charge, and MR. HOPKINS representing the select committee which had recommended certain amendments.

Clause 127—Rate book and valuation:

MR. HOPKINS moved that lines 15 to 20 be struck out, and the words "annual and capital value of such land" be inserted in lieu.

MR. JACOBY moved that the words "of such land" in the proposed amendment be struck out, and the following inserted in lieu, "or the unimproved value of such land." This would permit boards, in addition to rating on the annual and capital value, the option of rating on the unimproved value of land. He was not sure whether the words "annual and capital value of the land" in the amendment gave the boards two options.

MR. HOPKINS: The proposal gave two options.

MR. JACOBY: Then he would alter his amendment, and move that the words "or the unimproved value of such land" be added to the amendment. It was the unanimous wish of the roads boards in his district and in all districts closely surrounding the city, and almost the unanimous wish of all boards throughout the country, that this option should be given. At the fourth annual Roads Boards Conference held at Fremantle, a resolution to this effect was carried.

MR. HOPKINS: The pastoral boards were not represented.

MR. JACOBY: Probably the amendment would not apply to them. There were about 95 per cent. of the roads boards who wanted the option of rating on the unimproved value. It was quite optional with the boards whether the system was adopted. It was difficult to discover the annual value of an orchard that was nonbearing.

MR. HOPKINS: The capital value could be taken.

MR. JACOBY: A man by developing his block put capital value into it, and he was adding to the capital value of all the land in the district. This man paid the rates of the district, whilst those who held land unimproved did nothing, while receiving benefit from the expenditure of the man who did improve.

MR. HOPKINS: That would not be so under the Bill.

MR. JACOBY: Take three blocks of land: one rated on the capital value would include the value of the land and the whole of the improvements thereon; one rated on the annual value would be assessed at what the place was worth annually, the income derived from it; one rated on the unimproved value was rated only on the land. If the capital value were rated, the thrift of the man was taxed.

THE PREMIER: Give concrete instances of both cases. Take two blocks of land, one built on and the other unimproved.

MR. JACOBY: Take the case of orchard land. A man had 100 acres of land planted, which was worth £10,000. Next to that was 100 acres of unimproved land. The value of the unimproved land was considerably enhanced by the improved block. The expenditure by one man improved the land belonging to his neighbour.

THE PREMIER: And increased the capital value.

MR. JACOBY: If the ground was worth £5 an acre, the man who spent £10,000 on his block would be rated on the £10,000.

MR. HOPKINS: Not necessarily.

MR. JACOBY: The man who had done nothing on his block was rated on £500.

THE PREMIER: How would the hon. member rate that man?

MR. JACOBY: On the unimproved value.

THE PREMIER: How was the value of £5 per acre arrived at? Was that the improved or the unimproved value?

MR. JACOBY: Absolutely the unimproved value, nothing having been done to the land.

MR. DAGLISH: The hon. member did not wish to tax the labour put into the land.

MR. JACOBY: Certainly not. The man developing his land ought to be encouraged.

THE PREMIER: In the case of a roads board administering a district of 10 square miles, at what point would one fix the unimproved value? Would the basis be the least valuable land in the district?

MR. JACOBY: No. The difficulties of rating under the system proposed were far less than under any other. Orchard land, say within a radius of a mile of Kelmscott railway station, might be estimated at £5 per acre unimproved, and the farther back one went the greater would be the decrease in value, until eventually the Government price of 10s. per acre would be taken as the unimproved value. The result would be to distribute the rating evenly.

MR. GORDON: A fictitious unimproved value would be necessarily assumed for a start, in order to produce revenue.

MR. JACOBY: There was nothing fictitious about the unimproved value.

MR. GORDON: Would the hon. member value a sandpatch as high as good land?

MR. JACOBY: The method of rating proposed was the fairest possible. The roads boards had asked Parliament for permission to rate on the unimproved value; they desired the option of doing so. Probably various roads boards would not find it convenient or expedient to avail themselves of the option, but would prefer to rate on either the annual or the capital value. The roads boards particularly anxious for the power were those comprised within the Midland Railway districts, which boards spent a good deal of money on roads running through the Midland Company's concession. The same remark applied, however, to other roads boards through the State whose districts comprised large areas lying idle and contributing little to either State or local revenue. The power was necessary in order to reach the Midland Railway Company, for example.

DR. O'CONNOR: But the Midland Railway Company was bankrupt.

MR. JACOBY: Nevertheless, it ought to pay its fair share of rating. The Minister for Works, who was responsible for the Bill, when approached by the municipal council of Midland Junction on this matter expressed himself as an enthusiastic supporter of the principle of rating on unimproved land values; but when it came to a matter of practical legislation, the hon. gentleman made no effort to embody his ideas in the Bill. Agricultural and roads boards conferences had asked for the adoption of this system, year after year.

MR. DAGLISH: So also had municipalities.

MR. HOPKINS: While there was no more ardent supporter than himself of the system of rating on unimproved land values, he felt bound to ask the Committee to bear in mind that if the amendment of the member for the Swan were adopted, the Bill was not likely to pass another place. The measure as proposed to be amended by the select committee represented a marked advance on the existing Act, and met with the approval of every person interested in roads board matters. Therefore we might be content to pass the Bill with the select committee's amendments, leaving the roads boards conference to deal at its next assembling with the question of rating on unimproved land values, which question needed to be considered with especial care from the financial aspect. Having consulted nearly all the members in the Upper House on this Bill, he had a strong impression that to embody in it the farther amendment moved by the member for the Swan was likely to result in the Bill being returned to us.

MR. GORDON: The simple manner in which the member for the Swan had moved the adoption of the system of rating on unimproved land values was rather staggering. That amendment almost needed a Bill in itself, since several clauses would be required to lay down a basis on which to estimate the unimproved value.

MR. JACOBY: It was only a matter of assessment.

MR. GORDON: Unimproved land values might be estimated on various bases. The improved or the capital value was based on the rent value; but no firm basis existed for estimating the unimproved value.

MR. DAGLISH: The member for the Swan had done well to bring forward his proposition, even if his action resulted in nothing more than an expression of approval by the Committee of the principle of allowing roads boards an opportunity of rating on the unimproved instead of

on the capital value of land. It was surprising to hear the member for Boulder (Mr. Hopkins) ask the Committee to hesitate to adopt the amendment on the ground that if it were adopted the Bill might be returned to us from the Upper House. If that happened, then we could farther consider the matter and return the Bill to another place either with or without this amendment. The strongest possible exception must be taken to the proposition that this House was to pass not legislation favoured by itself, but legislation of which another place would approve. A growing tendency to bow down to another place had shown itself this session. The sooner the Assembly constituted the entire Legislature the better it would be for the State. However, while we existed as one branch of a dual Legislature, we should show a little determination in expressing our opinions and in embodying them in legislation, instead of adopting the language of "bated breath and whispering humbleness." Roads boards ought to be given the right to raise revenue in the manner which seemed best to local ratepayers. Why should imaginary difficulties of valuation be raised? Before one could arrive at the improved value of land, the unimproved value had to be estimated as a basis. In every municipality, as in every roads board district, there existed unimproved land of no rental value, which nevertheless had to be valued for rating purposes. The only point in question appeared to be whether it was more difficult to estimate the improved or the unimproved value of land. In valuing unimproved land, one could be guided by the market. Some objected to taxing land held for speculative purposes.

MR. DIAMOND: Provide for the principle by a proper Bill.

MR. DAGLISH: The hon. member, like many others, approved of the principle, but objected to its application. Such members were in favour of everything until introduced in a tangible shape.

MR. DIAMOND: This was not a tangible shape.

MR. DAGLISH: In New Zealand the principle had worked effectively.

MR. DIAMOND: Under a special Act.

MR. DAGLISH: An Act which left it optional with the municipality to rate on the unimproved or on the capital value; and many municipalities had without difficulty taken the unimproved value as the basis.

MR. HOPKINS: How apply it to 500 people on a gold-mining lease?

MR. DAGLISH: Such questions were asked to throw members off the track. [MR. HOPKINS: No.] Let them be raised in speeches. Possibly passing the amendment would necessitate other clauses which could in a few hours be drawn to govern the working of the principle; but that was no reason for blocking the introduction of the principle. Equally absurd was the contention that the Committee were not competent to pass such clauses. Let members agree to the amendment, and assist in framing clauses which would give the principle a practical application.

MR. DIAMOND congratulated the mover of the amendment (Mr. Jacoby), and wished him success. The continuance of the old system for so many years was a mystery; for in addition to rating property, it taxed enterprise, industry, and pluck. A man improving his land, thereby adding to the value of the district, was rated more heavily than he who held a similar block unimproved.

MR. HOPKINS: The latter paid rates.

MR. DIAMOND: But both should pay the same; and the principle should apply to both town and country. The man who did naught but wait for the unearned increment paid less than the man of enterprise. That the amendment might be rejected in another place should not prevent our doing our duty. The member interjecting feared for the safety of the Bill; but if the Assembly's amendments were rejected, we could still decide whether they should be insisted on.

MR. GORDON: A man not improving his property generally banked his money, which was borrowed by those wishing to improve. If all improved, there would be no money to borrow. Notice had been given a week ago of this amendment, but no machinery clauses had been provided. He would oppose that amendment.

MR. JACOBY: The man who improved his ground did not escape. Irrespective of improvements, two blocks of the same value would pay the same rate. As to lack of machinery clauses, these were

exceedingly simple; and if the amendment were carried, the Bill could readily be redrafted. Probably it would be sufficient to give to the board the right to rate on the unimproved value up to 3d. in the pound; but to settle the point it would be necessary to take out the gross unimproved value of the land in a particular district, when, by ascertaining the amount the board raised under the present system, a fair idea might be obtained of the maximum limit which should be provided. The member for Boulder, who gave instances of places where the system would not suit, should remember it was not compulsory but optional. There were three options. Most boards would rate on the unimproved value if they could, though some might prefer the annual and others the capital value. As an experienced valuer, he (Mr. Jacoby) knew that the unimproved value was the most simple; that the capital and the annual values complicated the operation. In South Australia, when assessments were being made throughout the colony for a State land-tax of a halfpenny in the pound, there was no difficulty.

Mr. HOPKINS: That was done by Act of Parliament. Why not introduce a Bill here?

Mr. Jacoby: That must be done by the Treasurer.

Mr. HOPKINS: Not necessarily. Over seven weeks ago this Bill was introduced, and the report of the select committee had been on the table for three weeks; yet those who were heart and soul in favour of unimproved value taxation had not had time to draft, or to get prepared by the draftsman, the amendments necessary to give effect to their scheme. Evidently they had found, on consideration, that it would be better to talk on the abstract principle than to submit a concrete proposition. The select committee, after devoting much time and thought to the Bill, had submitted such amendments as they deemed in the best interests of the roads boards. Those boards which were so anxious to have the privilege of unimproved land value extended to them could, by simply coming within the operation of the Municipal Act and asking for a small amendment, have all the benefit of land value rating. The Roads Act was not for suburban districts, but for rural and pastoral districts; yet those country boards for which the original Act was passed were to be shoved aside to suit the requirements of suburban communities, who really ought to be under the Municipal Act, instead of taking advantage of the Roads Act to escape the local rating which otherwise the owners or tenants of land would have to pay.

Mr. HASTIE: It was scarcely fair to blame those who introduced this matter here for not bringing forward specific clauses. The House some time ago chose five of its members to consider the Bill, including the basis of taxation; and if those members had done their duty, they would have made themselves acquainted with the unimproved land value taxation of Queensland and New Zealand.

Mr. Hopkins: They were acquainted with that long since.

Mr. HASTIE: If the clauses were workable elsewhere, surely the select committee should have been able to suggest some slight amendment here.

Mr. Hopkins: That committee had other questions to consider.

Mr. HASTIE: The idea of taxing land on the unimproved value was pretty well known to a large number of people. The amendment (Mr. Jacoby's) was a necessary one to insert in the Bill. It was not mandatory, but the people in each district could adopt this mode of rating if they believed it would be fair to ratepayers. The principal reason why ratepayers who elected roads boards were anxious for this system was that most of the owners and occupiers improved their land, and they had to pay a great deal of additional rating, whilst they were at the same time increasing the value of the property of other people who hitherto had escaped rating. If roads boards found it impossible by this system to get the amount of rates they otherwise would get, they could under the Bill go back and rate on the ordinary basis. The other House would never dream of rejecting the Bill if we inserted this provision, because they could return the Bill as we left it, but leaving out this provision. Until we found that the members of the other House refused to allow roads boards to rate themselves as they liked, we had no business to assume difficulties in that direction.

MR. DIAMOND: As to arriving at the unimproved value of land, if one block was good for gardening and a block near it consisted of building sand, an expert valuer would not value the sand block at the same price as the garden block. Then again in valuing land sections in a town, the position rather than the quality of the soil was considered. This Bill was for roads boards, and the value of a block for rating purposes would be arrived at by appointing a duly qualified valuator, as was done by a municipal council in a town. There was no more difficulty in arriving at the value for rating purposes in a country district than in a town. The feeling was that the select committee had done valuable work in regard to this Bill; but surely the member for Boulder would not expect us to merely register the decisions of that select committee.

MR. GORDON: In New Zealand, if an owner refused to pay on the amount of the valuation, 10 per cent. was (he believed) added, and on that increased value the land could be taken over by the Government or by the local council. They took it over if the man would not pay his tax or rate.

MR. HOPKINS: The proposition as it stood (being the same as recommended by the select committee) would enable a board to strike a rate on the capital value of unimproved property. What was the difference between striking a rate on the capital value of a thousand acres of unimproved land, and imposing a shilling rate on the unimproved value of that land?

MR. HASTIE: Supposing the hon. member went to South Perth and bought a block of land for £50, and he (Mr. Hastie) purchased one at the same price; if the member for Boulder improved his block to the extent of £150, then the capital value of that block would be £200. If he (Mr. Hastie) did nothing to his block, the improvements made by the member for Boulder would increase the value of his (Mr. Hastie's) block to the extent of say £10, and the capital value of that block would be £60; so that according to the mode of rating prescribed in this Bill the member for Boulder would pay rates on £200, and he (Mr. Hastie) would pay on £60. The rate would be on the capital value of each block.

MR. DAGLISH: Whether land was improved or unimproved, the rating should be on the unimproved value. If "A" held 500 acres and left it in its virgin state, he should be rated at precisely the same amount as "B" who likewise held 500 acres and spent a thousand pounds in improving the land. In the present system "B" would be rated on a capital value of £1,500.

MR. HOPKINS: He would be rated on the annual value.

MR. DAGLISH: The amendment (Mr. Jacoby's) was that roads boards should have the option of rating on the annual value, the capital value, or the unimproved value. It was to the advantage of the whole community that a man who spent nothing on his property should be rated equally with the man who did spend money in improving his land. The useful man in a community was he who circulated money in labour, in buying commodities, or in one of the thousand ways in which it could be circulated. The member for South Perth was anxious to spoon-feed the speculator, while he (Mr. Daglish) was anxious to assist the man who genuinely gave his labour and capital to the improvement of the State. He was anxious to discourage the holding of ground for speculative purposes, and to encourage the holding of ground for the benefit of the individual and the community alike. The discussion would not have evolved the heat it had done if the select committee which inquired into the Bill had only recommended the principle of rating on unimproved land values. The mode of valuation was, after all, a matter on which there were many differences of opinion, and there always would be differences in regard to the values placed on unimproved or improved property. If improved property in a municipality was occupied by a tenant, the municipal council would be able to assess the value sufficiently for rating purposes; but that valuation would not be accepted probably by either a buyer or a seller of the property. If a property were improved, but not occupied by a tenant, it was almost essential that the improved value should be obtained first, so as to arrive at a basis for the valuation of the whole property. The member for Boulder wished to send Bills to the Upper House warranted harmless, warranted to

have provisions which were not obnoxious to another place; he wished to label them "Caution: not to be taken by members of the Council." We were to understand that the proposal, in the hon. member's opinion, would be poisonous to members of the Council. The hon. member had hitherto objected when other members, supposed to be more timid than himself, hinted that the Council would raise objections to a Bill. The member for Boulder had been a warm advocate of principle and not expediency, yet to-night he had weakened in his professions.

Mr. QUINLAN: It would be advisable to defer the amendment until the recommittal of the Bill, and then have provisions drawn up somewhat in accord with those in the Municipal Act defining the meaning of "capital value" and "unimproved value." That would settle the procedure as to rating by boards in the future. He was in accord with the rating of unimproved values, if we adopted the method provided in the Municipal Act If the amended form of the clause as proposed by the Minister for Works were adopted, there would still be the question as to what was intended by the capital value or the annual value of land.

Mr. HOPKINS said he was willing to have some provision put in the Bill similar to that in the Municipal Act, so that the two measures would be identical in regard to valuation, as the select committee had intended. There should be added to this Bill the powers and duties of valuators similar to those in the Municipal Act.

Mr. JACOBY: In moving the amendment, his idea was to affirm the principle; and if members were in favour of giving to roads boards the option he proposed, then it would be necessary to draft some consequential amendments. He was glad the member for Boulder was in favour of the principle, and that a large landowner like the member for Toodyay supported it. The most simple method of assessment was on unimproved values. The amendment might be passed now, and progress be reported to enable the consequential clauses to be drafted.

Mr. HOPKINS was willing that the proposed new clauses should be proceeded with, and the present clause be considered later.

The Chairman: The new clauses (on the Notice Paper) could not be dealt with until this clause was disposed of.

The COLONIAL SECRETARY: If the amendment of the member for the Swan were passed, and provisions similar to those in the Municipal Act were added, the amendment would become redundant, and would have to be struck out of the Bill subsequently. If the hon. member wished to affirm a principle of this sort, it could be better done by a substantive motion, or by giving notice of the insertion of new clauses on recommittal.

Mr. JACOBY: If the Committee carried the amendment, it would be easy to define subsequently the method of rating on the unimproved value. He wished to know if the Committee were in favour of his proposal.

Mr. HOPKINS: Would it be desirable to refer the Bill back to the select committee for the purpose of having clauses drafted to provide for rating on the unimproved value of land? That would overcome the difficulty.

The Chairman: The Bill could not be referred back to the select committee at this stage.

The MINISTER FOR MINES: Perhaps it would be well to report progress. By the next sitting the new clauses could be drafted, and members be enabled to study them. In the past road boards had not been too fond of rating themselves; and it was quite possible in the future, if it were decided to rate on the unimproved value alone, very little funds would be available for the boards to deal with. Therefore it would be necessary to give increased power of rating. That power was equally necessary if the system of rating on unimproved values were adopted.

Mr. Jacoby: The rate proposed, 2s. 6d. in the £, was more than ample.

The MINISTER FOR MINES: In the absence of that power he would object to the amendment, because the old business of coming to the Government for assistance would be revived. He moved that progress be reported and leave asked to sit again.

Motion (progress) put, and a division taken with the following result: —

Ayes	...	...	...	18
Noes	...	...	...	12
				6
	Majority for		...	

Ayes.	Noes.
Mr. Ewing	Mr. Atkins
Mr. Foulke	Mr. Butcher
Mr. Gordon	Mr. Daglish
Mr. Gregory	Mr. Diamond
Mr. Hayward	Mr. Hastie
Mr. Hopkins	Mr. Holman
Mr. Hutchinson	Mr. Johnson
Mr. Illingworth	Mr. Nanson
Mr. James	Mr. Pigott
Mr. Kingsmill	Mr. Stone
Mr. McDonald	Mr. Taylor
Mr. Morgans	Mr. Jacoby (*Teller*).
Mr. O'Connor	
Mr. Quinlan	
Mr. Reid	
Sir J. G. Lee Steere	
Mr. Wallace	
Mr. Higham (*Teller*).	

Motion thus passed.

Progress reported, and leave given to sit again.

TRANSFER OF LAND ACT AMENDMENT BILL.

AMENDMENT RECONSIDERED.

The Legislative Council having disagreed to an amendment made by the Assembly, the Council's reasons were now considered, in Committee.

THE PREMIER (Hon. Walter James): Hon. members would no doubt recollect the discussion initiated by the members for Cue (Mr. Illingworth) and Boulder (Mr. Hopkins), in connection with Clause 4. As a result of that discussion the clause was amended, and the Bill was now returned to us from the Legislative Council with an intimation of dissent from the Assembly's amendment. Practically, the Council again presented the clause to us as it stood when the Bill came to this Chamber in the first instance. On the day after the discussion referred to took place, he had interviewed the Registrar of Titles, who took a keen interest in the Bill. That officer had assured him that the amendments proposed by the Bill as then in type, namely the Bill as it came to us from the Legislative Council in the first instance, would place our legislation in a line with the Transfer of Land Acts of South Australia, New South Wales, Queensland, Tasmania, and New Zealand, but would make it different from that of Victoria. The Registrar had farther stated that, having been in communication with the Registrar of Victoria, he knew that State approved of legislation which, on this particular matter, existed in all the States previously mentioned. In the circumstances, one was inclined to think that the Bill as originally received from the Legislative Council was a better measure than as amended. He therefore moved that the Assembly's amendment be not insisted on.

MR. ILLINGWORTH: While quite satisfied that the amendment made by this Chamber afforded a reasonable solution of a difficulty, he hardly thought the subject worth a fight. On a questions of regulations, he would be glad of an assurance from the Premier that owners of land and dealers in land would be treated as liberally as possible in respect of fees. He imagined that the corresponding fees in the sister States and New Zealand must be merely nominal, as otherwise they would not be submitted to. A fee of 32s. 6d. on every block sold out of a subdivided estate was altogether excessive.

THE PREMIER: That fee, as he understood the Registrar, was not imposed where one title was lodged.

MR. ILLINGWORTH: At all events, the fee had been charged. If the Government were prepared to act liberally, we might meet the Council in this matter.

Question passed, and the amendment not insisted on.

Resolution reported, the report adopted, and a message accordingly returned to the Legislative Council.

MINES DEVELOPMENT BILL.

IN COMMITTEE.

THE MINISTER OF MINES in charge.

Clauses 1 to 7, inclusive—agreed to.

Clause 8—Power to grant applications:

MR. HASTIE: The clause seemed too stringent. More discretion might be given to the Minister in enforcing the conditions.

THE MINISTER FOR MINES: None desired a repetition of the Victorian experience of some years ago. For every pound advanced, the company should expend one pound. Of this clause advantage would seldom be taken. Years ago, Mr. Lefroy, when Minister, had made an advance to a Norseman company on conditions similar to these. No good developments had resulted; the State had lost some £600 or £700, and the company a similar amount. Had there been a profit, the advantage would have been mutual. Recently, at Bulong a com-

pany which had driven some 1,200 to 1,400 feet had asked for assistance to drive another 1,000 feet. This assistance he (the Minister) would have granted had there been power, for the grant would have been beneficial to the district. But as these advances would probably be infrequent, it should not be too easy for the Minister to make them without taking all necessary precautions; and unless undue harshness could be indicated, he would not ask that the clause be amended. There would be no objection to amending the next clause, which rendered obligatory a mortgage over the company's machinery and plant.

Mr. HASTIE: That amendment would meet the case.

Mr. NANSON: Why were the large advances limited to companies, and not extended to persons?

The MINISTER FOR MINES: Later he would move that the maximum advance to the latter should be £300 instead of £200.

Mr. NANSON: A person owning a good mine should be entitled to an advance where the conditions were the same as those of a company.

The MINISTER FOR MINES: Rarely were they the same. Only where operations had been carried on at places where the expenditure of large sums for considerable periods would be necessary to test and develop the property, would advances be made to companies. A person would seldom find himself in such circumstances. If he did, there would be no objection to his having the larger advance.

The PREMIER: Better limit that to companies. Mines owned by private persons were exceptional.

Mr. HASTIE: No. The majority were thus owned.

The PREMIER: To allow a private person to apply would probably open the door to abuses resulting from speculative applications.

Mr. HOLMAN: For the last 10 years, on the Murchison private owners had worked their own mines and properties acquired from companies. The clause should be extended to unregistered syndicates and other private persons.

Mr. WALLACE: One man might work a mine for years, yet he would not be entitled to the £1,000 advance, no matter how good his security. To a company such an advance would be paltry, and few would apply for it. Sooner would they wind up; for the law costs alone would amount to some £50. Better assist the man who developed the country.

Mr. ILLINGWORTH: On the Murchison were numerous properties each worked for years by a few men, and it was these who deserved help, for they had no intention of selling. Large registered companies were unlikely to require small loans, and only small companies would apply. True, small syndicates could register to obtain the advance; but that would involve unnecessary trouble. Unlike the genuine pioneer miner, a limited company could raise funds by calls. "Partnerships," or some similar word, should be added to the definition.

The MINISTER FOR MINES: The object of this was that large sums of money should be advanced where a big sum had been expended and where the work to be done was of national importance. To his knowledge it had never happened that any such work had been undertaken by an individual or small syndicate; but with a view of meeting the ideas of the Committee, the Bill could be recommitted with the object of including in the interpretation of "company" a syndicate or partnership.

Mr. HOLMAN: The clause ought to refer to an individual as well. In Nannine there was a man named Robinson working a mine nearly 10 years ago. There were several others working there, and they were companies. Some time ago they went to pieces, and one man bought the properties. This man was doing in a great measure pioneer mining at Nannine, and if he were prevented from receiving assistance under this Bill, in case he required it, it would be doing him an injustice. A thousand pounds was not much good to a company doing pioneer mining. A pioneer company was a company which desired to set out "on its own" in pioneer country which had not been pioneered before. If we were going to assist pioneer mining, we should be prepared to advance up to £10,000.

Mr. NANSON moved that after the word "company," in line 5, the words "or person" be inserted. He took it

that if this amendment were carried the Bill could be recommitted and the consequential amendments made, and "person" could be made to apply to the plural as well as the singular.

THE PREMIER: The better way would be to strike out the word "company" and insert "applicant."

MR. NANSON: Very good.

Amendment by leave withdrawn.

MR. NANSON moved that the word "company," in line 5, be struck out, and "applicant" inserted in lieu.

Amendment passed, and the clause as amended agreed to.

Clause 9—Company to execute mortgage:

THE MINISTER FOR MINES: The Minister was bound to compel an applicant to execute a mortgage. It might be desirable sometimes that a mortgage should be effected, because the working might not be such that it would be wise for the Minister to grant such a large amount of money without additional securities, and he thought that might be left to the discretion of the Minister. He moved that the word "shall," in line 2, be struck out, and "may be required to" inserted in lieu.

MR. BUTCHER: It would be very unwise to make this alteration. It would be contrary to all business principles to advance a person money without taking a mortgage. No financial institution in the world would do it.

THE MINISTER FOR MINES: It was made compulsory by a regulation that a lien upon the mine, that was the land, should be made to the Crown before any advance in any shape or form was obtained. The opinion of the House was that we should not insist upon a mortgage upon the mining machinery and the other assets of the company. The money was advanced with a view of developing the industry. We took a lien upon the mine itself, and he thought that we should also have a lien on all the assets of the company. But the general opinion was that a mortgage should not be taken upon the plant.

MR. ILLINGWORTH: Not in every case; in some cases.

Amendment put and passed, and the clause as amended agreed to.

Clause 10—Payments to Minister to form first charge on company's profits:

THE PREMIER moved that the words "the company," in line 2, be struck out, and "any company to which an advance is made" inserted in lieu.

MR. HASTIE: This clause declared that any company or any party of men to whom an advance was made should not be able to divide amongst themselves any advantage.

THE PREMIER: No; it did not provide anything of the sort. It was intended to strike out "the company" and insert "applicant" all through. The provision referred to companies only.

Amendment passed, and the clause as amended agreed to.

Clauses 11, 12, 13—agreed to.

Clause 14—Advances for prospecting:

MR. WALLACE: Could not the Minister make the clause more liberal and extend the limit of advances to prospectors? He moved that in line 2 the word "two" be struck out and "three" inserted in lieu. This would increase the advances from £200 to £300.

Amendment passed.

MR. HOLMAN: If a miner was prospecting some distance out, where it was difficult for the geologist to travel, how long would the applicant have to wait until a report was received? Would the report be obtained immediately or would the prospector have to wait two or three years? If a party was out at Peak Hill and wanted assistance, it would have to wait until a report from the geologist or mining engineer had been received before assistance was granted. What steps were to be taken to have a report made?

THE MINISTER FOR MINES: It must not be supposed that the department would advance money before a report was obtained, for it must be understood that no money would be advanced until a report was received. The geological department had such a small staff that upon the Estimates which were coming forward provision was made for another geologist, and also for a State mining engineer; therefore there would be better facilities in the future for obtaining reports. A great deal would depend on the class of report required. If a prospector wished to sink for water or there was an application from a leaseholder for assistance in regard to machinery, action could be taken upon the report from the inspector

of mines of the district; but if assistance was required for boring, the department would have to send some one with geological knowledge to report. There would be a little delay in such a case.

Clause as amended agreed to.

Clauses 15 to 21, inclusive—agreed to.

Clause 22—Public bodies may apply for assistance towards prospecting:

Mr. HOLMAN: Was it in the power of the Minister to grant assistance to leaseholders as well as to municipalities, roads boards, and miners' associations? He moved that after "miners' associations," in line 6, the word "leaseholders" be inserted.

Mr. TAYLOR: This clause dealt more with the national aspect of the question, and not with companies or individuals.

The COLONIAL SECRETARY: The object of the member for North Murchison was met by Clause 6 of the Bill, which provided that the description of pioneer mining proposed to be done, the probable cost, the machinery proposed to be obtained, and so forth, should be handed to the Minister when the application was made. It was competent for any company or private individual doing pioneer mining to make application. The clause referred to public bodies, and enabled them to avail themselves of the advantages held out under the Bill.

Mr. ILLINGWORTH: It was not desirable to grant aid to a particular company to explore one mine. The extension of the Bill in this direction was very valuable, because there were certain districts which were falling away, yet everybody in the district was satisfied that there was gold at a depth. It would not be quite fair for the Government to pick out any particular company and develop their property. If a geologist visited the district he might explore a line which would be of advantage to all the companies in the district.

Mr. WALLACE: This point had troubled him when looking over the Bill, but he was satisfied on referring the matter to the Minister that the question of the national importance of boring came under the clause. Before inquiring from the Minister, the views he had held were similar to those which had been expressed by the member for Mount Margaret. Under Clause 24, the Minister had the power, on the recommendation of his professional officers, to bore for minerals, water, or anything else. Seeing how liberal the State had been in aiding the development of agriculture, why should not some consideration be shown by agricultural members, who were conspicuous by their absence, for the development of the State's mineral resources? It was to be hoped that the Minister would exercise his powers under Clause 24 freely, and spend even £10,000 in assisting companies to sink or bore, or generally to test the mineral resources of a district. Whether an adjoining company benefited from the work was beside the question, so long as the industry was advantaged, and the State with it, by the proving of gold-bearing country. The right to the benefit from all discoveries might be reserved to the people if the Minister put down bores at the sole expense of the State.

Mr. ATKINS: Unlike the mining industry, the agricultural industry had never been given money, but had merely been lent money.

Ministerial Member: No money would be given to the mining industry under this Bill.

Mr. HASTIE: The member for Mount Magnet (Mr. Wallace) had stated that the intention of the clause was that municipalities, roads boards, and other public bodies should be given assistance towards proving country; but one was puzzled to know what sort of municipality, roads board, or other public body would avail itself of the clause unless given a prior option of taking up the ground to be proved. If a big discovery were made, a few men would take up fair-sized areas and if possible sell them, and the people in the district would not be particularly benefited. In the circumstances one should not be surprised to find the municipalities holding back.

Mr. Wallace: Let the State bear the whole cost of proving country.

Mr. HASTIE: If there were a couple of millions to spare, well and good. No benefit had yet resulted from expenditure of this nature, though we hoped by continuing the expenditure to gain an advantage eventually. Perhaps some hon. member would suggest an amendment by which the clause would offer assistance to any body of individuals ready to prove their earnestness and guarantee their

bona fides by themselves spending a certain amount. The reply of the Minister for Mines to the contention of the member for Mt. Magnet (Mr. Wallace) would be that if one district were tested, every other district with good prospects of getting gold at depth must also be tested.

THE MINISTER FOR MINES: Clause 25 would meet the objections raised by the hon. member. With a view to looking farther into the matter, he moved that progress be reported.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House adjourned at 10·39 o'clock, until the next day.

Legislative Assembly,

Thursday, 16th October, 1902.

The SPEAKER took the chair at 4·30 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By the MINISTER FOR MINES (for the Treasurer): Lands purchased for Railway Deviation, Perth-Fremantle line; particulars as ordered 7th August.

Ordered: To lie on the table.

QUESTION—RAILWAY CROSSING, COOLGARDIE.

MR. JOHNSON, for Mr. Reid, asked the Minister for Railways: 1, Whether he is aware of the dangerous nature of Pell's Crossing at Coolgardie. 2, If so, whether measures will be adopted to insure the safety of the residents from injury by passing trains, by the erection of gates, or an overhead bridge, or both, at this dangerous crossing.

THE MINISTER FOR RAILWAYS replied: 1, Yes; but all crossings are more or less dangerous. 2, During the early part of 1901 a crossing was made at Renou Street, a short distance from Pell's Crossing, and it was then proposed to close the latter. In deference, however, to the wishes of the Coolgardie people, and in the hope that traffic would be diverted to the new crossing, the question of closing Pell's Crossing was allowed to drop. The matter will now be reconsidered.

QUESTION—DREDGING AT FREMANTLE.

MR. HIGHAM asked the Minister for Works: Whether any of the timber companies have approached the Government with the view of having a deep channel dredged through the Success and Parmelia Banks to Cockburn Sound; if so, the terms of their request and the reply given.

THE MINISTER FOR WORKS replied: No requests had been received.

QUESTIONS (2)—RAILWAYS, CLASSIFICATION OF STAFF.

MR. JOHNSON, for Mr. Daglish, asked the Minister for Railways: Whether the classification of the clerical and professional staff of the Railway Department has been commenced, and when it is expected to be completed.

THE MINISTER FOR RAILWAYS replied: This matter is having consideration. The Commissioner and heads of branches are now sitting in conference with the representatives of the Traffic staff.

MR. JOHNSON also asked: When a Bill for the classification of the railway servants will be introduced.

THE MINISTER FOR RAILWAYS replied: The Commissioner and heads of branches are now sitting in conference