

can be done here in Western Australia. I wish that I could have had more time to deal with the subject. I wish that, partly because I realise that I now have a competitor here, so far as the timber business is concerned. I fully realise that a man who has spent 20 years in the forestry service of Western Australia knows something about timber; and I own to some disappointment at the fact that the member for Nelson (Mr. Willmott) did not deal more extensively with the woods and forests question. I waited with open ears for the knowledge that I anticipated would fall from his lips. I waited in the confident expectation that the hon. member, with his long experience of Western Australian forestry, would be able to suggest better methods and more effective reforms than have been in vogue or suggested up to date. However, the hon. member may come to light later.

Mr. Willmott: Wait till the vote comes on.

Mr. O'LOGHLEN: I shall be pleased to be in the Chamber when the hon. member speaks, and to listen with the closest attention for all that I can possibly pick up. In conclusion, I wish to say that as I rarely trouble the House, I felt impelled to seize this opportunity of dealing with the industry which forms the livelihood of the people who sent me here—who have sent me here on several occasions. Those people approve of the policy I advocate, and they look to the Government to make an effort in the near future. I rejoice that the Forestry Department has been transferred, that it has been placed beyond the reach of the shackles that obstructed its progress on every occasion when land settlement was put against forest culture. I trust the Government will do their best to assist the Forest League to carry out its objects. The attainment of those objects will mean the building up of a permanent timber industry in Western Australia. There are, I admit, many difficulties in the way—most of them financial—but the grit and determination of a progressive people will carry us over the greatest mountain of difficulty.

[45]

Consequently, I trust the Government, and especially the Minister in charge of the Forestry Vote, will do all that is possible towards making provision for the requirements of the people of Western Australia in this direction. Future generations will appreciate such efforts, and will apportion praise wherever praise is due. The Western Australian people of the future will look back with pride to the Minister who accomplishes this work, no matter to what political creed that Minister may own allegiance, no matter what his practical knowledge of the industry may or may not be. The gratitude of generations will be the reward of the man who lays the foundations of a permanent and prosperous timber industry in Western Australia.

Progress reported.

House adjourned at 11.26 p.m.

Legislative Council.

Tuesday, 9th February, 1915.

	PAGE
Papers presented	1282
Joint Select Committee, Money Bills Procedure ..	1282
Standing Orders suspension	1282
Leave of absence	1282
Question: Government Analyst	1282
Motion: Food and Drug Regulations, to disallow Bills: Control of Trade in War Time Amendment, 3a.	1282
Blackboy and Zambra Palm License, 3a.	1312
Coal Mines Regulation Act Amendment, 1a.	1314
Midland Junction Trades Hall, 1a.	1315
Industries Assistance, Assembly's message ..	1315
Lunacy Act Amendment, Assembly's message ..	1315
Government Electric Works' Assembly's Message	1320
.....	1321

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

PAPERS PRESENTED.

By the Colonial Secretary: 1, Department of Agriculture and Industries, report for year ended 30th June, 1914. 2, Maps showing boundaries of Gascoyne Vermin Board district.

JOINT SELECT COMMITTEE,
MONEY BILLS PROCEDURE.*Extension of Time.*

On motion by Hon. W. KINGSMILL the time for bringing up the report of this Committee was extended until the 16th February.

STANDING ORDERS SUSPENSION.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [4.36]: I move—

That for the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be taken through all stages in one sitting, and Messages to be taken into consideration forthwith.

The session, though not likely to close this week, will probably finish next week. The Standing Orders have already been suspended in the Legislative Assembly; and it is advisable, in order to facilitate business at this late hour of the session, that the Standing Orders should be suspended in this Chamber also.

Question passed.

LEAVE OF ABSENCE.

On motion by Hon. E. McLARTY, leave of absence for six consecutive sittings granted to the Hon. Sir J. W. Hackett on the ground of urgent private business.

QUESTION—GOVERNMENT
ANALYST.

Hon. A. G. JENKINS asked the Colonial Secretary: 1, Did Mr. Mann, the Government Analyst, apply for permission or leave to accept the fee of £2,100 paid by the Scottish Whisky Exporters'

Association? 2, If so, to whom was such application made, and by whom was the necessary permission granted? 3, What is the date of such application, and the date of such permission being granted? 4, Is it the intention of the Government in future to allow civil servants to personally accept fees from private individuals for doing Government work? 5, If not, why not?

The COLONIAL SECRETARY replied: 1, Yes. 2, Application was made to the Minister for Mines and approved by Cabinet. 3, 13th March and 9th September, 1913, respectively. 4, No, but the work in question was not Government work, nor did the Government consider it essential. It was done on the urgent request of the Scottish Whisky Exporters' Association and naturally at their expense. 5, It is not the practice of private individuals to pay fees for work that should be done by the Government.

MOTION—FOOD AND DRUG REGULATIONS.

To disallow.

Hon. A. G. JENKINS (Metropolitan) [4.38]: As regards the motion standing in my name, that certain regulations which have been made under the Health Acts, 1911 and 1912, be disallowed, I desire to say first of all that I have given notice to the Honorary Minister (Hon. J. E. Dodd) of my desire to amend the motion by inserting in it the figure "3," so that its effect will be to ask for the disallowance of regulations 3, 4, and 5, instead of only 4 and 5. The reason for that alteration is that I have found, on looking more closely into the matter, it will be necessary, in order to attain the object I desire, to have all three regulations which were laid on the Table of the House on the 12th January last disallowed. I therefore move—

That Regulations 3, 4, and 5 of the Food and Drug Regulations, 1913-1914, made under "The Health Act, 1911 and 1912," laid on the Table of the House on 12th January, 1915, be disallowed.

Hon. members are aware that I have asked certain questions regarding

a large sum of money which the Government allowed a public servant of this State to receive in pursuance of what I consider were his official duties. That is to say, this public servant had to take a trip to Great Britain in order to investigate a claim which had been made by the Scottish Whisky Exporters' Association, to the effect that the regulations framed by the Pure Food Advisory Board were not capable of being carried into effect. For some reason or other, the gentleman I refer to was allowed to receive the fee personally. The case, I think, is almost unique in the history of this or, indeed, of any Australian State. It is unique that a public servant should be allowed to receive such an immense fee for pursuing investigations into what, notwithstanding the denial of the Colonial Secretary, I contend was Government business. Moreover, the fee is of such a size that unquestionably it could not have been expended by that gentleman, or by any other gentleman, in pursuing the investigations referred to. That, again, means that the Government have allowed the head of a department as I understand this gentleman practically is—and one in receipt of a fairly large salary—I do not know the exact amount—and occupying a most responsible position, to accept the largest private fee that has ever been paid to a public servant in this State. In place of permitting that gentleman to accept this money privately, the proper course for the Government to adopt would have been to have the money paid into the State funds, and to allow all the expenses of the gentleman conducting the investigations to be met out of that money. The latter, I contend, was the proper course to be pursued; but instead of adopting it the Government took the, to my mind, extraordinary course of allowing the public servant in question to receive the fee himself, no account being given as to its expenditure. The gentleman simply put it in his pocket, and spent just as much or just as little of it as he thought necessary. Moreover, he had this trip to Great Britain, which occupied many

months of his time. The regulations to which my motion refers were framed by the Pure Food Advisory Board. The original regulation, out of which all the trouble arose, appears in the *Government Gazette* of the 17th July, 1914, page 2629, and reads as follows:—

Whisky shall be spirit distilled from barley, malt, or other grains (which as regards pure pot still whisky shall be distilled at a strength not exceeding thirty-five per centum over proof) certified to the satisfaction of the Customs to have been matured by storage in wood for a period of not less than two years, and shall be sold under one of the following designations, and conform to respective standards specified therefor:—(a) Pure Pot Still Whisky shall contain at least 45 grammes of compound ethers, 3.5 grammes of furfural, and 180 grammes of higher alcohols per 100 litres of absolute alcohol, when these ingredients are estimated strictly by the methods laid down in Schedule A, attached to these regulations.

I particularly desire hon. members to note the next few lines—

If in any sample more than one of these ingredients shall fall below the above limits, it shall not be considered as a genuine pot still whisky. Moreover, if in any case the furfural falls below the above limit, it shall not be less in amount than one-eightieth ($1/80$) of the quantity of higher alcohols present; while in other cases the higher alcohol shall not be less than forty (40) times the quantity of the furfural found.

Then regulations follow as to blended whisky, and these read—

(b) Blended whisky containing at least 75 per centum of pure pot still whisky shall not contain less than 45 grammes of compound ethers, 2.6 grammes of furfural, and 160 grammes of higher alcohols per 100 litres of absolute alcohol. (c) Blended whisky containing at least 50 per centum of pure pot still whisky shall contain not less than 40 grammes of compound ethers, 1.75 grammes of

furfural, and 140 grammes of higher alcohols per 100 litres of absolute alcohol. (d) Blended whisky containing less than 50 per centum of pure pot still whisky shall be those which fail to comply with any of the above standards.

Next, follow certain regulations as to labelling, which I shall not read to the House, but to which I may briefly refer at a later stage, since they have some bearing on the question. This regulation was made by the Pure Food Advisory Board under the Public Health Acts. It is necessary for me, first of all, to refer to the gentleman who form that board as the Honorary Minister (Hon. J. E. Dodd) referred to them in the *West Australian*. These are the Honorary Minister's own words—

The Government do not feel disposed in any way to delegate their power in such an important matter, and consider they have sufficiently trained and expert advisers in the Pure Food Advisory Board under the Health Acts to expect them to arrive at a just decision.

The gentlemen comprising this board are as follows:—Mr. Mills, a biscuit manufacturer carrying on business at Fremantle, Mr. MacFarlane, well known in Perth, carrying on a milk and butter business, Dr. Hope, acting as chairman in his capacity of administrator, Dr. Atkinso, and, of course, Mr. Mann, under whose authority the regulation was framed. I do not suppose Mr. Mills would set himself up as a gentleman capable of creating a standard for whisky, nor do I suppose Mr. MacFarlane would either.

Hon. J. F. Cullen: It blends with milk.

Hon. A. G. JENKINS: So I have heard. Dr. Hope is a very capable administrator of this board, and an excellent medical practitioner, but I do not suppose he has had any training in analytical chemistry.

Hon. J. E. Dodd (Honorary Minister): He is a good judge of whisky.

Hon. A. G. JENKINS: Very likely, but I do not know whether that should

go forth as a Ministerial statement, nor do I know that he would be particularly capable of deciding a proper standard for whisky. Then there is Dr. Anderson, an eminent gentleman in his speciality, which is bacteriological knowledge. Then there is Mr. Mann himself. Members will see that these regulations are the regulations of Mr. Mann and Mr. Mann only; so if we go to the board and ask them to set aside these regulations we will be going to Mr. Mann, practically the gentleman who framed the regulations, and asking him to say that his regulations are unworkable. That is quite an impossible proposition. If we were to ask him to alter the regulations of course he would give an emphatic refusal. This Pure Foods Advisory Board are endeavouring to do something which has been found impossible by every English-speaking community, with the exception of the South African Union. Two commissions have been held in England, in 1905 and 1909, and the evidence taken by them covers thousands of pages. In America two commissions have been held, one by President Roosevelt and the other under President Taft. All these commissions reported adversely to any attempt being made to standardise whisky. All the leading chemists in the world were examined by these commissions at great length. The reports are referred to in the pamphlet by Dr. Schidrowitz and Dr. Tallock, which appears in the papers in connection with the establishment of standards for whisky in Western Australia. It is a pity the pamphlet has not been laid on the Table, for it will be of considerable interest in this debate. When an important regulation like this was laid on the Table why was this pamphlet not distributed? The publication of these reports would at once have drawn attention to the matter, whereas had it not happened that special attention was drawn to it these regulations, tabled on the 12th January, would have become law on the 11th of this month without anybody being the wiser. These commissions decided that the standardisation of whisky was impossible. I believe a con-

ference was held, either in Melbourne or Sydney, among the various State analysts and the Commonwealth analyst to endeavour to come to some arrangement in regard to the question. Here also they failed, and so if these regulations come into force this will be the only State in Australia where a standard for whisky has been set up. Our regulations will to a certain extent override the Commonwealth standard, if it can be so overridden. In deciding this question hon. members will be taking up a somewhat invidious position, because they will be asked to decide between Dr. Schidrowitz and Dr. Tatlock on the one side, and Mr. Mann, our Government analyst, on the other. Dr. Schidrowitz almost stands alone in the science of analytical alcohol chemistry. He is one of the most famous men in the world. He has occupied leading positions for many years, and probably has forgotten more about analytical chemistry of this description than most other men have ever learned. Dr. Tatlock also is a most prominent gentleman. He is president of the Analytical Association of Chemists, and public analyst in the city of Glasgow, and occupies other important positions. Against this formidable array of talent we are asked to place our own analytical chemist, Mr. Mann, and to say that Mr. Mann's theories are of greater value than the solid facts adduced by those other two prominent gentlemen, who say that Mr. Mann's theories are impossible of being carried into effect. When the original regulation, which I have read to the House, was published there was at once an outcry in Scotland, and certain persons there endeavoured to persuade our Government to withdraw the regulation. The Government refused to do this, and those persons in Scotland then offered to pay the expenses of our State analyst if he would go to Scotland, investigate their methods of making whisky and endeavour to see whether a compromise could not be arrived at which would meet with the wishes of all parties. The sum of £2,100 was put up, and Mr. Mann proceeded to the old

country where, in conjunction with Dr. Schidrowitz, he set about taking certain samples on which certain reports were furnished. Mr. Mann returned to this State, apparently without having brought himself as closely into touch with these gentlemen as he might have done. According to the correspondence he seems to have kept them too much at arm's length, to have been unready to meet them in that spirit of compromise essential to the settlement of any difficulty. Mr. Mann returned to the State and altered his regulation to some extent, but still insisted on a regulation which these gentlemen, representing all the great whisky exporting firms in the world—their names are on page 18 of this memorial—say cannot be carried into effect. They asked the Government to delay the coming into operation of this regulation until the 1st October, so that having failed once to come to a compromise they might still endeavour to effect some settlement. The Government refused to do this. They said they had sufficient faith in their advisory board to know that the members of the board were enforcing a proper regulation. Consequently there is only one thing to do, namely, to disallow this regulation. This regulation is bad enough. Under it practically no whisky can be sold in the State. If the regulation is disallowed we will be thrown back on the old regulations published in July, 1914, which are far more stringent and difficult of carrying into effect than this regulation, which I venture to assert the Government cannot carry into effect. If they did attempt to carry it into effect, the whisky supply of Scotland, which is built up 10 years in advance, would be useless for the purposes of this State, and there would be no whisky imported into the State for the next 10 years.

Hon. R. D. McKenzie: It is a bad argument.

Hon. A. G. JENKINS: Yes, but it shows how utterly ridiculous the regulation was as originally made, and it shows too, how Mr. Mann, who made such a regulation, could not have brought any scientific knowledge to bear upon it, let

alone commonsense. Page 1 of the report by Mr. Mann of the investigations of standards for whisky does not appear to contain much. It is more of an introductory character. It refers only to the difference between patent stills and pot stills. Pot-still whisky, I may say, contains more secondary products than whisky from a patent still. That is to say, the patent still takes nearly all the impurities out of the whisky, which the pot still does not. He refers to his old regulation, which I have already read, and says it was alleged that many pot stills employed in Great Britain would not produce whisky to comply with the standard, and that, therefore, the standard was unjust. I think I shall be able to show hon. members that that contention was strictly correct, because, if they believe Dr. Schidrowitz and Dr. Tatlock, and will look at the analyses they have made of the various samples of whisky, they will see that hardly any of the whiskies that are made in either Scotland or Ireland comply with the standard, and that certainly neither the Canadian, the American, or the Australian whiskies comply with it. Mr. Mann says he arrived in England in October, 1913, and that he proceeded to work, and further that he had a laboratory placed at his accommodation, and that meetings were held and a programme arranged. I do not know what personal interviews were arranged by Mr. Mann. Although Mr. Mann arrived in October, if we read page 34 of the report, it appears that the first letter ever written by him was not to the association, but to a gentleman who had some interest in it, and that this was not written until the 15th July, 1914; that is a period of ten months after his arrival, and within, at that time, less than a month of his intended departure. That seems to me hardly a fair treatment to those gentlemen. He may have had private interviews, but if he had, they do not appear in the report, neither do the results of those interviews appear in any portion of the paper which has been laid on the table of the House. Mr. Mann acknowledges the courtesy which was extended

to him, and he refers to having visited certain distilleries. He says that he took samples of the products of the stills of different kinds, and of different ages. It was necessary, I suppose, for him to take a certain number of the products of the distilleries over which he went. If people are going to arrive at a standard, it is no use taking the sample of a still for one year, and taking another sample from another still and adding them together in order to arrive at an average standard, because, every year, for some reason or other, every distillation of whisky from the same still varies to an enormous extent, and this variation cannot be accounted for. The chemists cannot arrive at the reasons for this. The secondary products in the distillation in one case are so much, and in another distillation another result is obtained, and it is quite impossible for the chemists to decide how this set of circumstances came about. Nature is performing certain functions, and what these functions are cannot be determined. That is one evident reason why it is impossible for the standard to be set up that all whisky distillers must adhere to and all whisky must contain. They differ so much that it is impossible to bring all the whiskies for one year and the distillations for other years into the same standard as would be required under these regulations. Mr. Mann proceeds—

The question of methods of analysis and the variability of results obtained by different analysts with the same method had been much discussed, but after a few preliminary comparisons it was found that concurring results were obtained in the two laboratories if the official methods laid down in the regulations were adhered to, and I think these methods may now be considered as generally quite satisfactory. Later, I will read to the House what Dr. Schidrowitz has to say of these methods. Of course, he says it is quite possible to work by Mr. Mann's methods. Certainly one could work on them, but Dr. Schidrowitz points out, I think, that these methods are somewhat antique. In some cases they have been discarded by himself

and greater improvements have been effected in the methods of analytical chemistry as carried out by our Government Analyst. Mr. Mann seems to think that his methods are quite satisfactory. They may have been satisfactory if he proceeded under the old method, but in this case newer methods have been arrived at, and certainly they are much better even if they only give the same results. Mr. Mann then falls into the error I consider he has fallen into right through his report. I am referring to paragraphs 10 and 11. He says—

As the principal question is that of the chemical standard for pot still whisky, I will first discuss this, dealing afterwards with one or two other important matters. The tables containing the results of analyses of 167 samples of Scotch whisky are attached. These tables when dissected show some very interesting results, and I have therefore compiled the following summaries of the chemical results there set out.

These are the methods which Mr. Mann has proceeded upon. He has taken samples from these distilleries, and he has averaged up the lot and said "There is my standard." I ask any hon. member with any commonsense at all if that is a way to arrive at a standard. If you are going to arrive at a standard or what should be a standard for a distillation you first have not only to take samples from every whisky that is brewed, but you have to take the number of gallons which are brewed in every distillery. There may be one distillery which only brews 1,000 gallons; and there may be another distillery some distance away which brews 1,000,000 gallons of a different kind. The proper way would be to take it by gallons, doing your sum that way, and not by saying "Because the distillery here only turns out 1,000 gallons of such and such a whisky, and another distillery turns out 1,000,000 gallons of such and such a whisky, we will, therefore, take samples of these two and add them together and divide them, and say that is the standard of these two whiskies." This, of course, is quite impossible.

That is the system which apparently Mr. Mann has proceeded on throughout the whole of his report. One cannot arrive at a standard of whisky in such a way. Commonsense will show that. It does not require the knowledge of an analytical chemist to arrive at that conclusion. You must take your standard by the quantity that is brewed or distilled, and you must take out your sum from that quantity, and not take a sample from which there may be only a limited number of gallons in the one case, and an enormous number of gallons in the other case. Mr. Mann proceeds—

If these averages are compared with the standards for pot still whisky included in the regulations (ether 45, furfural 3.5, higher alcohols 180), it will be seen that all the types of pot still comply with this standard.

I will ask hon. members to pay attention to the following figures, showing the differences in these whiskies. Where the ether varied from 24 to 188, the furfural varied from .7 to 13.8, and the higher alcohols from 133 to 269. If we take these figures we may arrive at a certain standard that Mr. Mann arrived at, and under which he framed his regulations; but it is an absolutely ridiculous way to arrive at a standard. It must be seen that there will be hundreds of whiskies that cannot possibly fulfil these standards. Some of them, of course, may, but what is going to happen to all the other whiskies? I suppose some other unfortunate people in other countries of the world will be compelled to drink them, and the people of Western Australia will have their health safeguarded. According to Mr. Mann he not only considers this question from the point of his investigations into the standard of whiskies, but from the point of view of the health authorities. His conclusions are absolutely absurd. Considered from the health point of view they are absolutely ridiculous as he considers them.

Hon. J. Cornell interjected.

Hon. A. G. JENKINS: Mr. Mann wants to make it stronger. If this standard is enforced it will be very much

stronger, and the people will not drink so much of it. On page 7 Mr. Mann proceeds—

It would seem, therefore, that the standard for pure pot still whisky laid down in the regulations is justified by the average of all the figures for pot stills which have been collected, but I consider that it would be better to speak of it as "standard pot still whisky" instead of "pure pot still whisky," as at present described.

I wish to emphasise the fact that Mr. Mann has taken his standard in this way, by the addition of all the various samples, and by dividing them up and saying "There is my standard." Mr. Mann proceeds—

"I consider, however, that it is desirable that some other modification be made in the standard in the following respects."

In view of his having visited Scotland he has modified his original regulations, first of all by striking out certain words in the first regulation, and by adding others in the other regulations. These are the regulations I am now dealing with. He states—

1. That the stipulation with regard to ratios between furfural and higher alcohols, etc., should be omitted for the present. I think that some such ratios will be found not only desirable but necessary when the regulations have been in force for a little while; but for the present it is desirable to make the regulations as simple and direct as possible. . . . The above figures and conclusions apply also to Scotch whiskies. With regard to Irish whiskies, for the present I recommend another course The Irish method of distillation is entirely different to that of Scottish stills, and the process is far more complicated and difficult to follow, and between two stills which are run on exactly the same method there are great differences manifested in the composition of the spirit for which no explanation is as yet to be found.

The same data extends to Scotch whiskies as Dr. Schidrowitz will show in his report. This is especially so in regard to furfural, and the same difference therefore, extends to Scotch whisky. Mr. Mann proceeds—

And although it is clear that a legitimate standard could be established for ethers and higher alcohols, I do not feel that this is so with regard to furfural until further researches now in progress have been carried out.

I would like to point out the absurdity of this. Here we have him, on certain data that he has received, fixing a standard for Scottish whiskies with regard to furfural. He has the same data with regard to Irish whiskies and he has made the same averages in the same way. Page 11 will show that although the furfural in Irish whiskies averages 1.44, and he fixes the standard for furfural for Scottish whiskies, he declines to fix the standard for Irish whisky. I hope the Minister will give a reasonable explanation when he gives his reply as to why this is so. The explanation in the report will not satisfy members. Mr. Mann continues—

Although I have a considerable amount of analytical data with regard to Irish whiskies, I do not propose to include them in tables in this report for the following reason: The number of distilleries which I visited in Ireland is much smaller than in Scotland, and it would be comparatively easy if the results were published for one distiller to learn important facts with regard to the products of his competitors.

That is absolute rubbish. He visited a number of distilleries in Ireland. He does not need to give the names of the distilleries—the results are published here in the table. What is to prevent him from setting out in full the results of his investigations? If the information is private why should he say—

This is not true to the same extent with regard to the Scotch stills, and moreover the Scottish distilleries have associated themselves in connection with this matter, and have had analyses made by their own chemists of samples

similar to those taken by me. So that by the publication of the tables of analyses of Scottish whiskies no information will be made available other than that which is already public property.

If the information is private in one case, it is in another. I would like to point out to members that that is not, to my mind, sound reasoning for not fixing a standard of furfural for Irish whisky. If he has made investigations and averaged them, as he says, he should be in a position to fix a standard. Why should Scottish whiskies be penalised, and why should Irish whiskies be allowed to go free?

There is not any association among the Irish distilleries. My visits to them were matters of direct arrangement with the various distilleries, and I alone took samples during my inquiries. As the facts were given to me by the various distilleries under the seal of confidence, I feel that it would be improper for me to give publicity to the results of my work, and I can only give the general conclusions at which I have arrived.

There he asks us to take him on trust. It is a very bad answer. Here in his report he publishes in his report what is the standard of furfural whisky. Why make a standard at all? He makes a standard in regard to two of the secondary products, but not in regard to the third, and that is the one about which all the trouble has arisen. He goes on to say—

I find that the general composition of the Irish whisky is different to that of Scotland. It is lower in ethers and higher in higher alcohols, while it is very difficult indeed to arrive at a standard for furfural as it is very hard to ascertain the causes of variation in the complicated Irish method of distilling.

It is equally hard to find in the case of Scottish distillation, yet Mr. Mann makes the standard in regard to Scottish, but not in regard to Irish. He goes on to say—

I therefore propose for the present

that a tentative standard be established for Irish whisky distinct from that for Scottish whisky, and that this standard be for Irish Pot Still Whisky—Ethers, 35; higher alcohols, 200; while no standard for furfurals be prescribed at the present pending the completion of further investigations.

What are these investigations? Does it mean that a standard is going to be fixed that it is impossible to comply with, and that another trip is to be taken to Ireland at somebody's expense to establish a standard? If a standard is to be fixed for Scottish whisky, it should be fixed for Irish as well. Then the report goes on to say what the new regulation should be in regard to Scottish whisky, and it next refers to the standard of Irish whisky, and here if members turn to page 7 they will see the different analyses that have been made, and will be able to arrive at an idea as to the standard fixed. He says finally—

All other kinds of whisky should be required to conform to the standards for Scotch whisky.

If that is so Canadian, American or Australian whiskies cannot be sold in the State. In no particular do they nearly approach the standard set up by Mr. Mann, so we can have no Australian whisky consumed in the State. Then Mr. Mann goes on to compare the commercial methods of these gentlemen who are selling this article, and I do not think the House need bother itself about that, sufficient to say that Mr. Mann says this is purely a matter that has been dealt with by them in a commercial spirit; that they create a taste for whisky and the public drink what they give them whether it is good or bad. As far as I know, the public take what they require as regards whisky as in other foods. The blenders do not create a taste for certain whiskies. Then Mr. Mann goes on to refer to different associations, and says—

The pot still people are not an association, therefore the patent still people have certain conditions over them.

That need not concern the House, because the pot still and patent still exporters

are included in the association. Then he says—

A further proof of this is probably to be found in the oft-repeated statement that it is owing to the work of the blenders that whisky has become such an extensive article of commerce and has replaced so many other forms of alcoholic stimulant.

The reason of that is very evident. Whisky is a better drink than any other spirit, and it does not want a medical man to tell members that whisky is the least harmful of any spirit if it is taken moderately. Then he goes on to say why the regulations are going to improve the brands of whisky, and he says further—

The class of whisky which a man desires to drink is generally governed by the quantity he desires to drink. If a man from whatever cause desires to take a large amount of whisky during the day, he will invariably prefer the light blend or patent spirit, whereas more moderate drinkers will prefer the heavy class of whisky. If this statement be true—and I honestly believe it is—it is surely an argument for the protection of the public in a matter where they are unable to protect themselves.

I do not think that is so. I think most whisky drinkers are able to protect themselves.

Hon. J. F. Cullen: Up to a certain point.

Hon. A. G. JENKINS: Some do not even get near that point, and for an analytical chemist to talk like that is rubbish. He states—

For it has been repeatedly shown by physiological experts dealing with this matter that there is nothing in whisky more toxic to the body than the alcohol itself—which is of course present in equal quantity in each class of liquor—and if therefore the secondary products of pot still whisky acts as a deterrent or danger warning to the consumer, the increasing consumption of spirits from which these are absent, must be undesirable from the public point of view. While thereby drunkenness may not be increased, real al-

coholic poisoning or chronic alcoholism may be encouraged.

That simply means that Mr. Mann is endeavouring to bring in the regulations, for another reason that the whisky drinkers at present in this State are liable to toxic poison, and the man who drinks whisky now is going the right way towards drunkenness, but if he swallows the whisky according to the regulation he is following the right path. Another reason he gives—

The application of standardisation towards every class of food stuffs has been so advantageous as to become a universal practice, and there does not seem to be any good reason why such an important item of human consumption as whisky should be exempt.

We would have to standardise all articles of food; why standardise whisky alone? Let us have a standard for beer or for lemonade or for soda water. Why should whisky be standardized and other things exempt? I am at a loss to understand Mr. Mann says, because other foods are standardized he brings in his rule. He goes on to say—

We are only advancing along the lines of the evidenced desire of other countries where for years past attempts have been made to introduce legislation of this kind.

That is quite inaccurate. Commissions have been held to see if it is possible and it has been found impossible. A Commission has been sitting in the two most important English-speaking countries in the world. Then he goes on to say—

The standard proposed in Western Australia has already been copied and adopted in the South African Union, and although for some time the whisky exporters criticised certain other parts of the South African regulations, they did not at first question the standard itself.

I presume, for the same reason, they did not object here until the standard was brought under their notice.

I believe that they have now done so in order to be consistent with their action in Western Australia, but in a recent letter which I have received from that country I have been in-

formed that "in South Africa itself there has been no opposition whatever to the provisions of the Act with regard to whisky; on the contrary, merchants have shown the greatest willingness to fall into line."

My observation on that is that I hesitate to believe it. I do not say Mr. Mann's statement is not correct, but when the Minister is replying I hope he will give the evidence that justified Mr. Mann in making that statement, because what I am told is to the contrary.

Apart from the official opposition offered as a united body by the Export Association, quite a number of individual merchants have expressed to me their opinion that the regulations could do no real harm to the trade, and that they were prepared to carry out their provisions.

I shall be pleased if the Minister will tell the House who these individual merchants are; where the statements were made; are they merchants in Western Australia or in the United Kingdom? It is a serious statement for a merchant to say that these regulations can be carried out easily, because I am informed they cannot be carried out. Mr. Mann goes on to say—

There are one or two other points of subsidiary interest which I would suggest I should first be allowed to discuss with the Pure Foods Advisory Committee, as I do not wish to unduly extend this report.

The standard for local whisky in the Commonwealth is that it must be two years in the wood before it is imported; it must be two years in the wood in the Government bond before it is allowed to be sold. That is the Commonwealth standard. This is what the Royal Commission found—

That whisky is obtained by distillation from a mash of cereal grains saccharified by the diastase of malt.

After sitting for a period of months examining numerous witnesses, they would not attempt to standardize whisky. That is Mr. Mann's report on his trip to England, and I now draw members' attention to the memorial of the Scottish

Whisky Importers' Association to the Government of Western Australia after Mr. Mann's trip was taken. Certain standard regulations have been drawn up and they go on to say—

The proposed regulations were carefully considered by the members of the association, who were of opinion that the standards were impracticable and might lead to serious adulteration, since few, if any, of the Scottish Distilleries could produce whisky in accordance therewith. Dr. Philip Schidrowitz, of London, and Dr. Tatlock, of Glasgow, two of the most eminent analysts in the United Kingdom, who have made a special study of whisky chemistry, and who gave evidence before the Royal Whisky Commission of 1908 were thereupon consulted, and copies of their reports on the proposed regulations are being transmitted to you herewith. As the result of consultation with these experts, and looking to the findings of the Royal Whisky Commission, the hope was at that time expressed that you would be disposed to withdraw the regulations.

These are the original regulations I am referring to—

As the result of negotiations with your Agent General in London, it was ultimately arranged that Mr. Mann, your Analyst, on whose advice presumably the Chemical Standards were being set up should visit this country that he might be the better able by personal visitation at the distilleries and witnessing the process of distillation to investigate the problem on which he was engaged, this Association being confident that the result of such investigation could not fail to satisfy Mr. Mann that the variation in production was such as to prevent the possibility of a chemical standard being of any value. (D) In response to inquiry, Mr. Mann, on his arrival in this country, assured the committee of this association that before leaving he would be able to conclude his investigation and to indicate to us the nature of his conclusions or the final recommendations which he would be disposed

to make to you in connection therewith. The only reason for suggesting that he should indicate his conclusions before sailing homewards was that if these conclusions appeared to be based upon any false hypothesis it would be very much more convenient to him and to us to argue the pros and cons in person than to attempt to do so by correspondence at a distance of many thousand miles from the distilleries and from the chemical experts already referred to who have had a life time's acquaintance with the chemical aspects of the whisky trade. To the surprise and disappointment of this association, Mr. Mann has been unable to give effect to the assurance referred to, and this because, as he informs us, he had received cable instructions from you to reserve the definite nature of his conclusions until his return to Western Australia. Without wishing to over-emphasise this phase of the matter, it may be permitted to us to say that the committee of this association is disappointed that Mr. Mann has been unable to fulfil his assurance, having regard to the fact that this association's members advanced the sum of £2,100 towards Mr. Mann's tour of investigation here in the belief that a personal conference between the distillers, the chemical experts already named, and Mr. Mann would be almost certain to produce an understanding which would be satisfactory to all concerned.

That is very reasonable, I think, and it is a statement which seems to be borne out by facts.

The PRESIDENT: I must call the hon. member's attention to Standing Order 114, which says that after an hour has elapsed from the time of meeting, the debate on a motion such as this must be interrupted for the purpose of considering the orders of the day, unless the House otherwise directs.

Hon. A. G. JENKINS: I would like to say that Thursday will be the last day for the disallowance of these regulations, and it is of the utmost importance that I should be allowed to state my case this evening because the Minister will require

an adjournment, and if I am not allowed to conclude my statement this evening, it will not be possible to consider these regulations before they become law.

The PRESIDENT: The consideration of the motion may be resumed after the Orders of the Day are disposed of but if the House so desires the debate may be allowed to go on at the present time.

Resolved: That the discussion of the motion be continued.

Hon. A. G. JENKINS: The memorial continues—

(E) Mr. Mann, during October and November last, visited a large number of distilleries throughout Scotland in company with Dr. Schidrowitz. Samples were obtained from 51 distilleries—48 being from pot stills and three from patent stills. These samples were analysed by Dr. Schidrowitz in his laboratory in London, and the results of the analytical determination are embodied in a report of date 29th June last, a copy of which is transmitted herewith.

That will be found on page 24 of the report.

(F) It will be observed that Dr. Schidrowitz in concluding the report, referred to says that a convincing array of analyses made by Mr. Mann's methods show that his proposed classification is based on incorrect premises and that his proposals should therefore be withdrawn.

(G) In pursuance of what has already been said as to the anticipated conference with Mr. Mann as to the nature of his conclusions, the members of this association recently had an interview with Mr. Mann who conceded that his results corresponded with those obtained by Dr. Schidrowitz. He however indicated that whilst he was not at liberty to indicate what recommendations he would make to you, he was nevertheless prepared to state that he would recommend certain modifications. Mr. Mann originally proposed that under Class 1 pure malt pot still whiskies should contain at least:—45 grams compound ethers (or esters),

3.5 grams furfural, 180 grams higher alcohols per 100 litres of absolute alcohol. It is understood that Mr. Mann now proposes to reduce the furfural from 3.5 grams to 2.5, but we have no definite information on this point and need not further pursue this possible modification.

(H) If reference be made to pages 20, 21, and 22 of the report on the analyses on the samples taken here conjointly by Mr. Mann and Dr. Schidrowitz, and agreed, it will be found that the finest types of pure malt pot still whiskies made in the Highlands of Scotland show such widely varying results as these:—Esters 24 to 188, furfural .7 to 13.8, higher alcohols 133 to 269.

(I) It is therefore obvious that if the distiller from pure malt by pot still were to export his product and label truthfully "pure malt pot still" the analysis of which would correspond approximately with these minimum figures which fall so much below the proposed standards, he would be liable to be penalised. On the other hand, if a dishonest exporter were to mix one pot still whisky the analysis of which corresponded approximately with these maximum figures, with an equal quantity of patent still whisky—or even foreign plain spirit—and were to label the resultant as "Pure Malt Pot Still," he would more than conform to the prescribed standards. It is safe to assume that nothing can be further from the wish of the Pure Food Advisory Committee than to so frame regulations, as to have the effect of penalising the strictly honest exporter and at the same time placing a premium upon dishonesty.

(J) Dr. Schidrowitz was present at the interview which took place with Mr. Mann, and he was therefore asked to submit his views and as a consequence furnished the association with an important *Memorandum* dated 13th July last, *which should be read* in conjunction with and as supplemental to

his report dated 29th June already referred to (see pp. 22, 23, and 24).

(K) The whisky which is being shipped to Western Australia from this country is produced from malt and grain alone, and it should not be difficult to appreciate that if whisky of a specific description is required to contain certain proportions of ethers, furfural, and higher alcohols, known as by-products, a strong temptation is thereby created to introduce artificially the particular by-product required to comply with the chemical standards. What is therefore devised with the intention of detecting adulteration will, it is submitted, result in creating the adulteration and abuse which it is intended to prevent.

(L) Your memorialists entirely fail to appreciate the necessity for, or what good purpose can be served by the introduction of the regulations in question. With all possible respect, it is contended that Mr. Mann apparently originally approached this inquiry—and may be still disposed to maintain that attitude despite his investigations here—not in the spirit of the Royal Commission, which endeavoured to satisfy itself as to "What is whisky" but rather in the spirit of determining "What whisky shall be." The members of the association have no wish to intrude too far into the domain of chemistry, but the distillers of Scotland have not sufficient faith in synthetic or analytical chemistry as an exact science to believe that whisky can be distilled to a given formula, and it is at least doubtful whether such a product, even if it were attainable, would be regarded by the distillers or the general public as preferable to the natural product of the still. The latter has formed the basis of the popularity of Scotch whisky throughout the world, being the same as has been produced by the distillers of Scotland for many generations.

(M) If it is sought to justify the proposed regulations in the interests of public health, your memorialists would venture respectfully to solicit

information as to any report or even the presumption of any leading medical authority, indicating what secondary products are desirable or harmful in the distillation of alcohol. Until there can be produced some consensus of opinion amongst the medical faculty as to the beneficial or harmful character of the various secondary products, it is felt that the West Australian public, as elsewhere throughout the world, would be amply satisfied to receive that which has been hitherto shipped and sold to them.

(N) It is felt that unless there is some definite and reliable pronouncement on the physiological effect of the various by-products, any analyses or statements of stills would be absurd and futile.

(O) If it is desired to protect the public in determining the value, it is urged that the whiskies made in pot stills in the most favoured districts of the Highlands of Scotland and sold at the highest price show as wide a variation and do not differ in analysis from those produced in other districts and sold in the market at the lowest prices. Again, if it is desired to establish the necessity for all alcoholic liquors bearing their analyses so that the public may determine what suits them (although the public are likely to be guided in their choice more by the palate than by any chemical formula), then the youngest whisky might bear the same analysis as the oldest and most matured. And, amidst much that may be uncertain as to the physiological effect of spirits on health, there is certainly a preponderating weight of opinion in favour of spirits having the qualities of age and maturity. We know of no analytical method that can determine these factors which are of such great importance to-day in appraising the value of the distiller's product.

(P) If chemical standards were imposed, it would necessitate the experimental alteration of the stills and methods of the majority of the distilleries in Scotland, and many years

would require to elapse before the product of such could be used for export. Moreover, your memorialists do not admit that by any alteration of stills could any chemical standard be assured.

(Q) Leaving aside altogether the question of Mr. Mann's theoretical standards, it would be interesting to the distillers of Scotland to learn how they are to select whiskies which have already been distilled and which must form the bulk of the exports *for the next ten years*, so as to conform to the standard Mr. Mann has set up.

That is signed by the leading whisky importer of the association in Scotland. The memorial was presented to the Government of Western Australia and they have seen fit to disregard it. That is the memorial which is the result of Mr. Mann's visit to England, and which was the outcome of certain reports furnished by Dr. Schidrowitz and Dr. Tatlock as to the practicability of carrying out the regulations framed in this State. I propose to refer to certain parts of those reports to show how those two distinguished gentlemen both gave it as their absolute opinion, and there is no doubt on the matter, that the standard set up by Mr. Mann is incapable of being fulfilled. Dr. Schidrowitz's report is found on page 19 of the papers from which I have been quoting and it is presented to Messrs. Mitchells, Johnston & Co., of Glasgow, the solicitors of the association. Dr. Schidrowitz and Dr. Tatlock are not employees of the association; they are eminent gentlemen who were called in to give these reports. Dr. Schidrowitz writing on the practicability of draft regulations says—

Whisky is defined as a "spirit distilled from barley, malt or other grains, at a strength not exceeding thirty-five per centum over-proof" etc. This suggestion appears to be based on a misconception of the methods of manufacture employed for the preparation of various classes of whiskies in different parts of the United Kingdom. The restriction of the strength at which whisky may be distilled to 35.0 O.P. would entirely eliminate some of the

finest Irish pot still whiskies and certainly also some of the grain or patent still whiskies. While the Royal Commission (Final Report of the Royal Commission on Whisky and other Potable Spirits, 1909, p. 8) came to the conclusion that the materials from which whisky might be made should be restricted to malted and unmalted grains, they refused (p. 21) to place any restrictions on the processes by which whisky might be produced. In my opinion the proposed restriction of the distilling strength to 35 O.P. is entirely arbitrary and without justification. The draft regulations propose to divide whisky into four classes, and the definitions of these four classes are given. These definitions are based entirely on chemical analysis. There is no doubt that the chemical constants laid down are based on Mr. Mann's report, inasmuch as the figures given are identical with those contained in the said report, and the language of the definitions is practically identical with the wording of the same.

That is a report by Mr. Mann, published previously and not contained in these papers. Then, he gave a quotation from the Government Analyst's report, page 3, as follows—

It is obvious that the establishment of a standard for whisky and the requirement of true declarations on the labels of spirits are useless unless chemical analysis is capable of rapidly distinguishing between spirits of different character. If it is determined that whisky should mean pure malt spirit distilled in a pot still, then the chemist must, in order to detect any infringement of this rule be able to detect pot still from other spirits. It is useless to make a standard beyond the direct scope of science, and the same argument applies to any fact which might be required to be declared upon the label.

Upon the foregoing quotation from the Government Analyst's report Dr. Schidrowitz commented—

In my opinion the premises, i.e., the chemical data on which the definitions

are based, are entirely faulty and illusory. I am of opinion that the ratification of the draft regulations, and more particularly of the definition as there set down, would not only constitute a serious injustice to the honest distiller and trader, but it would, in fact, make trade with Western Australia a practical impossibility. I believe that the suggested regulations, if put into effect, would not only fail to protect the consumer from fraud, but would on the contrary, constitute a premium on, and be an inducement to adulteration and fraudulent dealings of a new and most undesirable character.

That is, it would lead to the adulteration of spirits. Then Dr. Schidrowitz went on to describe the malt pot still whiskies regarding which he said—

In view of the wide variations shown by whiskies from different distilleries (of Royal Commission Evidence and Report) it appears to me to be quite out of the question that any reliable standard can be based on results obtained with the products of barely 10 per cent. of the total number of distilleries.

This is one of the results at which Mr. Mann arrived from a series of samples taken for him by an excise officer in Western Australia before he visited the United Kingdom. Dr. Schidrowitz's report continued—

I have felt it necessary to point out the above facts in connection with the number of distilleries represented in Mr. Mann's analyses and the method of taking samples, but as a matter of fact, even if we assume that Mr. Mann's analyses are representative or fairly representative of all Scotch pot still whiskies, the figures obtained by him are in my opinion a clear indication that the standards set by him are hopelessly at fault.

Those whiskies could not be introduced into Western Australia, although they comprise the highest class of Scotch whisky. In regard to the furfural figure Dr. Schidrowitz pointed out that according to Mr. Mann's own figures 33.8 per cent. of samples examined by him were

below his own standard; in regard to the compound ethers standard 20 per cent. of the samples were at fault, and in regard to the higher alcohols figure 12.3 per cent. of his own samples fell below the standard. Dr. Schidrowitz then went on to say—

In the year 1905 I published a series of figures representing 76 samples taken from 47 different pot still distilleries. These figures were reprinted in the report of the Royal Commission. Applying Mr. Mann's standard to these figures I find that 25 undoubtedly genuine pot still whiskies out of a total of 76, or a total of 33 per cent. would be rejected. In the volume of the Royal Commission referred to above (pp. 425 *et seq.*) there are published analyses of 46 samples of pot still whiskies by Dr. R. R. Tatlock, President of the Society of Public Analysts and Public Analyst for the City of Glasgow, Perth, etc. Applying Mr. Mann's standards to these figures we find that 33 per cent genuine samples would be rejected. In Volume II. of the Royal Commission (pp. 230 *et seq.*) analyses of a number of whiskies are published by Sir Edward Thorpe, C.B., Chief Government Chemist for the United Kingdom. In regard to three samples out of 21 we find that both the furfural and ethers are under Mr. Mann's limit. Fourteen per cent. therefore, of genuine samples put forward as representative by the Chief Government Chemist would be rejected on this score alone.

As regards methods of analysis Dr. Schidrowitz stated—

One would gather from the remarks made by Mr. Mann in his report that the analyses published by other observers which have not been carried out exactly according to his own methods have little or no value. So far as this may be held to apply to my own work I have gone into the question very carefully, and my deliberate opinion is that it has no substantial justification in fact. Whatever method be employed, however, I think we may assume that the figures recorded by

competent analysts . . . may be regarded as having at any rate a comparative value.

On the subject of blends Dr. Schidrowitz stated—

So far I have dealt only with the definition of Class I., but when we come to the the chemical standards under which blends are defined. I must confess that I entirely fail to comprehend the figures laid down. The figures for furfural appear to be based on the assumption that the pot still in the blend should contain at least 3.5 grammes per 100 litres of absolute alcohol, but I completely fail to understand the limits in regard to higher alcohols and compound ethers, and on what these limits may be based. In view of what I have said regarding the definition of Class I., I think it unnecessary to pursue the subject further. Fraud and adulteration.—One result of the attempt to apply an ether standard for brandy in the United Kingdom was to stimulate direct adulteration. Unscrupulous dealers quickly found that it was a very simple matter to add the requisite amount of ethers to brandies deficient in this regard and no difficulty was experienced in obtaining the necessary raw material for these nefarious operations. I have not the slightest doubt that if a chemical standard were applied to whisky the same kind of thing would happen with the result that the public and the honest trader would suffer. Adulteration of this kind is particularly easy, inasmuch as the addition of the necessary constituents would have scarcely any effect on flavour and general quality, and would therefore, be extremely difficult, in fact almost impossible to detect. It may be argued that for the same reason a standard for fat in milk is undesirable, but this is not the case. inasmuch as the addition of fat to milk is for all intents and purposes an impracticable operation. In conclusion I venture to express the hope that the Government of Western Australia may reconsider this question in its broadest

aspects. I have not the slightest doubt that a classification of spirits according to methods of manufacture and on a basis of chemical standards is bound to do much harm and injustice and very little good.

That report is signed by Philip Schidrowitz. Dr. Tatlock also supplied a report which was just as strong. It appears on page 21 of the papers and states—

On two separate occasions, as you are already aware, I gave evidence before the Royal Commission on whisky and other potable spirits, whose final report was issued on 28th July, 1909. In the course of my preparation I had occasion to make numerous analyses of every variety of whisky.

These were submitted to an analysis regarding which Dr. Tatlock stated—

I must confess to a feeling of great surprise when I read the definitions of these four classes of whisky, and speaking generally, I am of opinion that the conditions required of them are impracticable, which means that in Scotland there are no whole-malt, pot still distilleries either in the Highlands or in the Lowlands that could produce such whiskies, unless in one or two instances and that by accident and very rarely.

Dr. Tatlock proceeded to deal with the higher alcohols and the compound ethers, and added—

With regard to the furfural the proportions in genuine all-malt pot still whisky are so extremely variable that a rigid standard would be unworkable. In the 31 samples of the highest class of whole malt pot still whisky I found maximum 7.34, minimum 1.56 true average 4.19, while 10 of the samples or 30 per cent., were below the standard of 3.5.

That is, 30 per cent of absolutely good and pure whisky as good as can be made, would not be allowed, according to Mr. Mann's regulation. In Class II. Dr. Tatlock stated that the definitions were intended for a blend containing at

least 75 per cent. of malt pot still whisky, etc., and added—

In order to produce such a blend it would be necessary to use either a pure malt pot still whisky showing more than 180 of higher alcohols, or a patent still whisky containing 100 of higher alcohols, an article which no one has ever yet seen. The whole thing is a question of simple arithmetic.

Referring to the component parts in Class III. Dr. Tatlock said—

It is simply an impossibility to produce this by mixing equal parts of any pot still all-malt whisky that ever existed or could be made and any patent still whisky that ever was or could be manufactured. Even if Mr. Mann's standard whisky containing 180 of higher alcohols were mixed in the proportion of 50 per cent. with patent still spirit, containing the largest proportion of higher alcohols I have any experience of, namely, 68.47, it is obvious that the mixture would contain the exact mean of the two, namely, 124.23, but Mr. Mann demands 140. . . . Class IV.

—There is no need for any remark with regard to the definitions of this class as no specific minimum for any of the ingredients is demanded. . . . I have always had the opinion based upon large experience and observation that insistence upon such standards is a direct incentive to adulteration, and nothing could be easier than to fulfil the conditions of the Western Australian standards—simply by adding to the whisky, genuine to begin with, as much of each ingredient as is necessary to give the proportion demanded. Pure fusel oil is retailed at 3s. per lb., and if this quantity were added to 175 gallons of proof whisky it would add 100 to the higher alcohol figure as got by analysis, so that by this procedure any kind of spirit could be got to pass, as the analyst cannot distinguish as to the source of the fusel oil.

This report has been in the possession of the Government and of Mr. Mann for two years. If Mr. Mann could have obtained any authority to aid him to contradict

this statement he would have done so, but it stands uncontradicted at present except by Mr. Mann. The report continued—

This would cost only one farthing per gallon. The same applies to the other ingredients of whisky. Already a large trade is being driven in the trade of artificial ethers for making up the standard of 80 in brandy so foolishly insisted upon by some who did not foresee the result of it, and in the case of whisky it would only be necessary to add to genuine potstill all-malt whisky naturally low in higher alcohols, the proportion of fusel oil necessary to bring the amount up to the standard (which had been purposely taken out by the patent still) in order to comply with the analytical requirements. On the other hand, in England, Ireland, and Scotland, where no standards exist, sophistication of whisky is unknown, and we search in vain the reports and records of public analysts for instances of whisky adulteration, except as regards dilution with water below the standard limit of 25 under proof. The finding of the Royal Commission was, "That whisky is obtained by distillation from a mash of cereal grains saccharified by the diastase of malt." This decision once and for all sets aside the suggestion that, because whisky has been distilled in a patent still, it is not whisky, and the commissioners, while demanding that whisky shall be made exclusively from cereal grains, recognise that the proportions of the secondary ingredients vary so greatly in genuine whisky that no hard and fast standard can be adopted without injustice and detriment to legitimate business.

That is, in respect to secondary products, in regard to which Mr. Mann is endeavouring to enforce this regulation. In another report by Dr. Schidrowitz, dated 29th June, 1904, he stated—

Broadly speaking, I may say that while I do not approve on certain theoretical and practical grounds of his (Mr. Mann's) method of distillation in the final operation of determining the higher alcohols, comparative check

work has shown that with care and the necessary check estimates, I am now able to obtain results which are throughout in very fair accord with Mr. Mann's.

While he does not approve of Mr. Mann's methods of analysis, he arrived at somewhat the same results by his own methods. He says—

Of the 47 pot still malt distilleries there are only two (both Islays, Nos. XXXVII. and XXXIX.) which do not show one or more samples below the proposed standards. and then he proceeds—

Out of 253 pot still malt samples 142 samples = 56.1 per cent. of all are excluded. Further consideration of the standard question.—It will be noticed that in the great majority of cases the product of a distillery would pass muster in certain years and not in others. That is exactly what I say; they vary so much it is impossible to set up a standard for every year.

If this variation takes place over a limited number of years what may it not be in the future, and what may it not be if instead of taking some 50 distilleries as a basis we took all the Scotch distilleries? Failure of standard.—There can be no question that the proposed standard absolutely fails to do what was claimed for it. I have heard it suggested that the standard may have to be modified, but that otherwise the principle is correct. I would point out that it is always possible to base a standard on any given set of figures. The first set of figures on which Mr. Mann based his standard had reference to a very limited number of distilleries. Now we have examined the products of some 50 distilleries and it is already quite clear that the furfural figure for instance should come down from 3.5 to about 1.0 or below. With regard to the higher alcohol, it is quite clear that on the basis of the present results the figure would have to come down from 180 to about 120. Let us assume that instead of basing our results on some 50 distilleries we proceeded to examine products from all the distilleries in

Scotland, it is clear that we should have again to put up a fresh standard coming down each time. Then the next step would be to examine the product from every distillery in Scotland for a series of years, and we should find still greater variations. Assuming all this had been done, and a vast amount of time and money expended, we should have arrived probably at a standard which was so low as to mean nothing, and which anyhow would not be of the slightest practical value. The Still as a standard.—It has been suggested that possibly an ideal type of still may be set up as a standard, and that every distillery which makes use either of a purifier or of a return pipe or of any special method of cooling the head, or of stills which are fitted with heads sloping slightly backwards and so on would be ruled out. Assuming for the moment that this—to me absurd—suggestion could be accepted on general principles, it yet could not be applied in practice, for the simple reason that some of the best distilleries in Scotland which are provided with the most simple type of stills and which have no purifiers or return pipes or anything of that kind, show figures which are so low as to make any standard of the kind indicated impracticable. . . . Moreover, the figures for the distillery with the purifiers are greater for all three constituents—ethers, furfural, higher alcohol—than those for the other distilleries. So far as could be gathered the conditions of manufacture in the two distilleries are, on essential points, identical. There are several distilleries of the plain type in which the furfural goes down as low as 1.0, and among these are some which are reputed to make the very highest grade of Highland whisky.

Then he goes on further—

The question moreover of taking a certain type of still as a standard is, to my mind, as inequitable as it is impracticable. One has only to look at the results in the accompanying table to see how the same plant produces different results—so far as the chemical

constituents are concerned in different years. Are we to have, in addition to a standard type of still, a standard type of distiller, and a standard type of material and water and so on? Is all progress of any kind to be inhibited or discountenanced? Is the distiller to be told what he may do, or may not do, as regards his plant, as well as his material? We shall be told no doubt that the distiller may do exactly as he pleases, but that if his whisky shows certain chemical results it will be branded as having been made in a certain way whether it has been made in that way or not. I have failed to discover the slightest justification for the standard still suggestion either in principle, as regards the theory of fractional distillation, or in practice in relation to the chemical figures. We were informed that there should be a certain relationship between the furfural and the higher alcohol. I stated that there was no such relationship, and there could not be any such relationship for the simple reason that the factors which determine the formation of the two classes of substances were entirely distinct.

Then he states—

In the first part of this document, Mr. Mann indicates that the whole question will be found on full enquiry to be centred in the matter of methods of analysis. Further on he proceeds to refer to his own methods, of which he says "yet these improvements are of such vital importance as to have a radical effect upon the results, etc." Further on in this document Mr. Mann says that "I feel therefore again compelled to point out that there are only two ways in which the proposal of the committee (the Pure Foods Advisory Committee) can be combatted, viz. (a) By showing that my methods cannot with reliability be applied to the purpose proposed; (b) Granted that they are reliable, by the production of a convincing array of analysis made by my method to show that the classification proposed is unjust or impracticable." Further on he says "It is, I think, quite just to con-

sider that the onus of proof now rests upon the critics of these proposals, and that now evidence must be produced by them on the lines indicated if the proposals are to be abandoned."

They were not abandoned. They were, as I say, after his visit, reintroduced with a slight modification and are still in force. Dr. Schidrowitz goes on with a report subsequent to his report of June 29th—

Hon. J. E. DODD (Honorary Minister): We will take it as read.

Hon. A. G. JENKINS: I should have been only too glad if Ministers had supplied a copy of this document to the House.

Hon. J. E. DODD (Honorary Minister): They have been supplied to members.

Hon. A. G. JENKINS: I did not get one; the only way I could get it was by sending to the public analyst. Some members may have received it but I did not. The honorary minister suggests the House should take it as read. I am prepared to do so if members are supplied with copies. If so, and they will refer to page 32 of the paper, they will see there that Dr. Schidrowitz again replied to Mr. Mann. If members have not got the document I desire to refer to certain paragraphs. The doctor shows that Mr. Mann's arguments are absolutely ridiculous, and I think an opinion from such an authority is entitled to fair consideration from this House. He refers to certain analyses and says—

The analyses carried out by Mr. Mann and myself show, in my view, quite clearly that a standard based on the figures obtained, would conduce to fraud and misdescription. On the one hand, for instance, we have genuine Highland Pot Still Malt Distilleries of the simplest type, showing a furfural figure as low as 1.0, and on the other hand as high as 13.0, and each of these represent excellent types of whisky. In the same way others vary from about 20 to well over 100, and higher alcohols from about 120 to 300. It is obvious, therefore, that blends could readily be made containing 50 per cent. or more of patent still whisky which could be passed off under the analy-

tical standard as pure Pot Still, whereas a genuine pure Pot Still might be suspected of being that which it is not. Mr. Mann now suggests that any Pot Still fitted with a purifier, or a return pipe, or air cooling, etc.—in short any Pot Still which is fitted with anything indicating modern improvements and progress, or a desire to make a type of whisky more suitable to the popular taste—is not a Pot Still, and cannot be considered as such. I would point out: (1) That the whiskies to which Mr. Mann objects on this score are classified by the Excise Authorities of the United Kingdom as Pot Still Malt Distilleries and have been so regarded by the public for generations. (2) That some of these distilleries are very old, and that some of the improvements to which Mr. Mann objects have been used for many years. (3) That some of these distilleries produce the very highest grade of pure Malt Highland Whisky. (4) That a number of distilleries which would be barred even under Mr. Mann's proposed new standard are not of the class suggested, i.e., they possess stills of the simplest type and work in the old-fashioned normal manner. (5) That this is the first occasion known to me on which any Government has objected to and regarded as improper a system of classification and description adopted and regarded as correct by the Government authorities of the producing country.

That is good pure whisky fit for drinking by any person, yet Mr. Mann thinks the scientists are wrong, because they do not conform to the methods and standards laid down by him. Dr. Schidrowitz continues—

There is another remarkable aspect of this question. Hereto food legislation has been directed towards preventing fraud and misdescription. Mr. Mann, in substance, suggests that the product of distilleries which are pure malt pot still distilleries may have to be described as something which they are not, namely, as a blend; again, it may follow that whiskies which are a blend of pot still and patent still may go scot

free under the Act and be described as pure malt. It follows, then, so far as I am aware, that this is the first case in which pure food legislation legalises, and to some extent enforces, misdescription. I gather that the object of Mr. Mann is to give the consumer and medical man the opportunity of making his own physiological and therapeutic experiments on various classes of whisky, and that he regards the effect produced by different whiskies as strictly correlated by the quantities of ethers, furfurals, and higher alcohols contained. While this view, in my opinion, for reasons stated in former reports, is quite untenable, the most logical step surely, assuming it to be correct, would be to give the consumer and medical man the desired information direct. In conclusion, I beg to point out that the substantial question which has occupied the Pure Food Committee of Western Australia and Mr. Mann has been discussed by a number of competent tribunals, by the British Select Committee of 1891.

I think that should be 1905.

By the Royal Commission of 1908, by a committee appointed by President Roosevelt, by a committee appointed by President Taft. In each case the tribunal has found, substantially, against the premises and opinions now restated by Mr. Mann. I am not aware that a single qualified and competent tribunal has ever reported the other way.

The Minister will have the opportunity of telling us of any place, with the exception of the South African Union, that has reported, or any prominent scientific gentleman, who has ever said Mr. Mann's standard is correct. The doctor continues—

The variation in the analytical figures shown by different distillers is enormous. There are also remarkable variations in the makes of different years of the same distillery, although so far as the trade is able to ascertain, there is no marked difference in flavour or commercial value.

Mr. Mann in effect says, "If you adopt the method under which I conducted my examination, the report of these commissions would have been different, for I can show you that you can standardise whisky." That is the modest proposal he puts forward. Dr. Schidrowitz continues—

It has been assumed that the figures for Ethers, Furfurals, and Higher Alcohols, etc., directly indicate flavour and are correlated with it. That this is not the case may be readily shown by making up a liquor containing a plain spirit to which has been added an equivalent of Furfural, Acetic Ether, and Amylic Alcohol in the proportions laid down by Mr. Mann's or any other standard. Such a liquor is in no way reminiscent of whisky or brandy or of any other potable spirit. It would appear, indeed, that the actual constituents which give character to a potable spirit, be it whisky or brandy, are present in such small quantities that it is not possible to detect them by ordinary analysis, or alternately—and this we know to be the fact—that the variation in quality and flavour is due to the fact that what we term for instance "Ethers" does not consist merely of Acetic Ether, but of a number of complex Ethers. That is the effect. It does not alter the whisky in any way. If you add the product to white spirit it remains white spirit.

In the same way the "Higher Alcohols" do not consist merely of Amylic Alcohol, as returned by analysts, but of a series of alcohols. The analytical result as returned by us are useful checks or indications and may be employed, and are employed, for the purpose of repressing that class of fraud which consists in refilling bottles and so on. I repeat, however, that there is no evidence to show that they are in any way correlated with flavour or physiological effect. I would further point out that one would expect, prior to the introduction of legislation based on the assumed variations in physiological effect due to dif-

ference in regard to quantity and ratio of small quantities of Ethers, Furfural, and Higher Alcohols, that the opinion of a competent and weighty body of medical men would have been obtained on and in favour of the view that (1) Such variation stands in relationship to commercial quality. (2) That the matter is of real importance to the health of the consumer. As a matter of fact, and so far as I know, the opinions expressed by the bulk of medical men qualified to speak with authority tend entirely in the opposite direction.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. G. JENKINS: Before tea I had pointed out how Dr. Schidrowitz in his report had stated that if these secondary products were added to whisky it still remained whisky, whilst if these secondary products were added to white spirit, it still remained white spirit, and was not converted into whisky, showing that to all intents and purposes the secondary products insisted on by Mr. Mann, furfural at any rate, had practically no effect on the article as a commercial product, and had not either any physiological or therapeutic value. Dr. Schidrowitz goes on to say—

It would appear, indeed, that the actual constituents which give character to a potable spirit, be it whisky or brandy, are present in such small quantities that it is not possible to detect them by ordinary analysis, or alternatively—and this we know to be the fact—that the variation in quality and flavour is due to the fact that what we term, for instance, "Ethers" does not consist merely of Ascetic Ether, but of a number of complex Ethers. In the same way the "Higher Alcohols" do not consist merely of Amylic Alcohol, as returned by analysis, but of a series of alcohols. The analytical results as returned by us are useful checks or indicia, and may be employed, and are employed, for the purpose of representing that class of fraud which consists in refilling bottles and so on. I repeat, however, that there is no evidence to

show that they are in any way correlated with flavour or physiological effect. I would further point out that one would expect, prior to the introduction of legislation based on the assumed variation in physiological effect due to difference in regard to quantity and ratio of small quantities of Ethers, Furfural and Higher Alcohols, that the opinion of a competent and weighty body of medical men would have been obtained on and in favour of the view that—

(1) Such variation stands in relationship to commercial quality.

(2) That the matter is of real importance to the health of the consumer.

As a matter of fact and so far as I know, the opinions expressed by the bulk of medical men qualified to speak with authority tend entirely in the opposite direction.

[The Deputy President took the Chair.]

Hon. A. G. JENKINS: That is what Dr. Schidrowitz says, and one would expect the Government Analyst to combat it with the opinions of eminent medical men. The Government Analyst has had ample opportunity of doing so, but, so far as I can ascertain, he has up to the present time not put forward the opinion of a single competent medical man to justify the position taken up by himself in contravention of the opinions expressed by this eminent analyst. A further report of Dr. Schidrowitz was submitted to the exporters in 1913, before Mr. Mann's arrival in England. That report I propose to leave until the conclusion of my remarks, because I think it is one of the most important communications which we have bearing on the subject. In that report Dr. Schidrowitz deals most effectively with the claim of Mr. Mann to have discovered some new method of chemically standardising whisky. Somewhat boastfully, Mr. Mann claimed that if Royal Commissions throughout the world inquiring into this subject had known of his methods, they would have come to different conclusions from those at which they did arrive. That report I propose to re-

serve to the finish, because in it Dr. Schidrowitz most effectively demolishes Mr. Mann's contention. It may be remembered that when Mr. Mann went to England, it was thought he would meet the committee and discuss with the committee's analyst some compromise, or some way out of the difficulty. Apparently, however, hardly any meetings with the committee took place. On the 15th July, 1914, Mr. Mann writes Mr. Ross a letter submitting an alternative proposal in regard to the regulations. At that time, apparently, Mr. Mann had made up his mind to leave England on the 14th August; but, subsequently, the departure of the steamer was postponed owing to the outbreak of war. One would have thought that if there had been a genuine desire on his part to arrive at a compromise, some correspondence would have been placed on record to show efforts in that direction prior to a month of his anticipated departure from England. In place of that, Mr. Mann, on the 10th July addresses a letter, not to the secretary of the exporters' association, but to a Mr. Ross, who, I suppose, is in some way connected with the association, but is certainly not its secretary or its chairman or its vice-chairman. I presume Mr. Ross is in some way connected with distilling. Mr. Mann writes—

In spite of the difficulties which are apparent—

Evidently, Mr. Mann, when in England and confronted by the highest scientific authorities, recognised that there were difficulties. Now, when he is back in Western Australia and no prominent scientist is available to contradict his theories, all those difficulties seem to have disappeared. This is Mr. Mann's letter to Mr. Ross—

In spite of the difficulties which are apparent I am still striving to find a way out, and here is another suggestion along your lines—that all whiskies should be labelled with a statement of their actual secondary products without any classes being prescribed by regulation at all. Necessary corollaries to this would be something as follows:—

(1) All such statements must be within a certain percentage of the

truth—i.e., while allowing a fair margin for accidents there must be allowed no *deliberate under or over* statement with a view to rendering the label misleading.

(2) All whiskies must be labelled simply "Whisky" ("Scotch" or "Irish" if you like), but no statement of "Pot Still," "Malt," or "Blend" shall be allowed.

(3) The existing regulations as to methods of determination of secondary products shall of course remain.

I should be glad to have an explanation of why such an important letter as that was not addressed to the secretary of the exporters' association. The letter is important because it involves a tremendous shifting of ground. Mr. Mann apparently at this stage desired to abandon, or seemed to offer an abandonment of, all his regulations, all the standards he had fixed, and to be prepared simply to let whisky in if the bottle carried a label stating the contents. Such an important communication as that, one would have thought, should have been addressed to the secretary of the association, so that it might be brought before the committee of the association in a proper manner. Instead, however, it was addressed to an individual not even officially connected with the association. There is another important point I wish to mention in connection with that letter. Mr. Mann continues—

(4.) This arrangement shall not be considered as in any way binding the Government or Department or restricting them in any representation they may make or inquiries they may set afoot through the medical profession or otherwise as to the relative physiological effects of different proportions of secondary products or in advertising for public or professional information the contents of such products in any whisky or whiskies.

Dr. Schidrowitz says they have none at all. Mr. Mann seeks to make his regulations, not knowing himself, as he admits in his letter, whether those products have any physiological effect, and having no competent medical authority to support

him in his assertion that they have. On the contrary, all the information available is quite opposed to that view. In this letter he admits that he knows nothing about it himself. He is prepared to rely on a competent medical authority; but he does not produce in this letter one single atom of evidence to support his contention. There was an alternative proposal he submitted in which he practically admitted that he was willing to let his regulation go if the distillers were willing to accept this as an absolute alternative. Then he sends a telegram informing Mr. Ross of the despatch of the letter. Further, it appears that Mr. Mann wrote this important letter but omitted to keep a copy of it. On the 30th July Mr. Ross writes—

As promised I send you copy of your letter dated 15th inst., the original of which I have now discovered amongst my papers. As a result of the meeting which Mr. Walker and I had with you yesterday, I understand you now depart from the suggestion made in the postscript of your letter, and that the margin which you would be willing to concede as a fair limit within which the chemical certificate must conform to the actual analysis is 10 per cent. upwards or downwards for ethers and higher alcohols, and 20 per cent. upwards or downwards for furfural. These percentages are on the low side and would certainly have to be the minimum. If you will kindly confirm above the proposals will be brought before a meeting of the full committee and of the association on as early a date as can be arranged, with the view of communicating their decision to you thereafter. Owing to the holiday season being now on I am afraid, however, this decision will have to be made known to you by cable after your return to Australia.

That was because it was thought Mr. Mann would leave on the 14th August. Mr. Ross concludes—

P.S.—I presume if the above proposals were put into effect the proposed objectionable coloured labels under the first scheme would be done away with

and you would be content with an ordinary white strip label at the foot or back of the bottle giving the required information.

Mr. Mann replies on the 3rd August—

Dear Mr. Ross,—Yours of 30th received. The margin allowed on declared figures would probably be something like 10 per cent., but this is subject to further consideration. There would of course be no need for coloured labels. The more I think over this scheme, however, the more difficulties—

Here Mr. Mann appears to me to be backing and filling, if I may use the expression.

—I see in the way of its acceptance in Western Australia, and it must be made quite clear that I am not committed to it in any definite way. I think, however, that you quite understand this already.

I will show hon. members the absurdity of that letter. Mr. Mann writes saying that he will discuss certain proposals. No sooner have the whisky exporters replied saying "Certainly we will meet you and discuss these proposals," than Mr. Mann says "You must understand that I am not committed to those proposals in any way and that I do not think they will be acceptable in Western Australia." I have already shown that if Mr. Mann had returned to Western Australia and recommended the Pure Food Advisory Board to accept those proposals, undoubtedly those proposals would have been accepted. The Pure Food Advisory Board invariably accepted Mr. Mann's proposals without the alteration of a single letter, without even the crossing of a t or the dotting of an i. On the 3rd August, notwithstanding the letter of the 15th July, he endeavours to back down to a certain extent, saying "I do not think the proposals will be acceptable to my people in Western Australia," when actually Mr. Mann himself was the person who was going to make the regulation, and was the person who was going to place the regulation before the committee, and was the person who practically had the de-

cision as to whether the regulation should be gazetted and become law. That letter is to be found on page 35 of this correspondence. Naturally, Mr. Ross, writing on the 11th August, when the war trouble had begun, remarks—

Yours of 3rd inst. arrived during my absence on a motor tour in the North, from which, however, I was called back owing to the serious war news.

I am rather disappointed with the contents of your letter as it does not seem to leave me any room to negotiate with the Exporters' Association. I quite appreciate your position that you cannot commit yourself definitely to any arrangement before you consult with your Committee.

"Consulting with the committee" was, as I have pointed out, consulting with himself.

That was quite understood between us in London, but where the difference comes in as that while you gave Mr. Walker and myself to understand that you were favourable to the proposals contained in your letter to me of 15th July—

[*The President resumed the Chair.*]

Hon. A. G. JENKINS: If hon. members will read Mr. Mann's letter, I think they will recognise that for themselves. and would be prepared to recommend these to your committee provided our association would accept them, you now cast doubts as to these proposals being accepted by your committee.

That is, acceptable to Mr. Mann. The letter continues—

In other words, I take it they will not have your whole-hearted support, and therefore it is unlikely that your committee will be convinced of their efficiency. If that is the position, it seems hardly necessary for me to put forward the proposals before the association. It is doubtful whether they would be considered satisfactory in any case, and certainly I could never advocate their acceptance by our association if you are to be left free to reject them when you get to West Australia.

Is not that a fair way of answering the letter? Mr. Mann was the only person

to be convinced. He did state in the first place that he was convinced, but he said afterwards that he did not think they could convince his committee. He wanted apparently to commit them to some definite scheme, and then have the power to come back to Western Australia and say "Oh no, I reject that." Naturally that was a proposition which those people at Home could not for an instant agree to. They said in effect "Give us something which you think will be acceptable, and do not ask us to debate something which, when you get back, will be of no effect at all." The letter continues—

My own view is that while these proposals which we have been discussing contain the only logical method of dealing with the question if chemistry is to play any part in the solution at all, it would be very much better for everyone if the whole question were dropped entirely until further light can be obtained on what are really the valuable constituents in whisky. Kindly let me hear from you before you leave. Does your boat still sail in the 14th? With kind regards, yours very truly, (Sgd.) William H. Ross.

Then Mr. Mann replies to that. He keeps up the farce of "my committee." For the purpose of this regulation the committee is Mr. Mann. The regulation as submitted by him to the committee has not been altered in any one particular. For the purposes of this regulation the members are there to agree practically to what Mr. Mann proposes. On the 12th August, Mr. Mann wrote this letter to Mr. Ross—

I have received yours of yesterday's date and am sorry that you appear to think the position any different to what it was when you left London. As far as I can see it is unaltered. You state that I "gave Mr. Walker and yourself to understand that I was favourable to the proposals contained in my letter of 15th July, and would be prepared to recommend these to my committee provided your association would accept them." This is not my recollection of the result of our interview. I said that

I would only consider these as an alternative if my committee considered that your objections to the original scheme rendered it impracticable. I think I made it perfectly clear that I personally preferred the original scheme, and any suggestion as above that I was prepared to simply substitute the new suggestion for the old at once does not therefore represent my views nor my declaration to you and Mr. Walker. While preferring the original scheme, however, I am willing to put your objections to it before my committee with this alternative in view. If under these conditions, which I beg to reiterate were clearly laid before you at the Russell Hotel, you prefer not to discuss the matter with your committee, I can say no more as of course you will act as you consider best. I sent a note to you a day or so ago which apparently crossed yours, saying that my steamer has been cancelled and I do not expect to sail before 11th September—by the "Orama"—so I am marooned here for a month. With kind regards. Yours sincerely, (Sgd.) E. A. Mann.

Those people at Home naturally took up the position "If you cannot place before us something which will lead to a compromise, what is the good of meeting at all?" Now I would like to carry members on to the last letter written by Mr. Mann, and ask them if it is such a letter as an officer occupying his position should write. It is as follows:—

Dear Mr. Forsyth, as you are doubtless aware, I have since the meeting of your association in Glasgow in July last, had correspondence and an interview with Messrs. Ross and Walker with regard to finding some proposals by way of alternative to the regulations for whisky at present approved for Western Australia. Into the nature of the proposals discussed it is not now necessary for me to enter as they are in the hands of the gentlemen named. I expressed to them my willingness to submit these proposals to my Government should the report which I will make on my return be considered unfavourably and in the event of an al-

ternative being sought for, but it was clearly pointed out that I could only do so if I received an assurance that the alternative proposals would be agreed to by your association.

That is to say, "If you do not have this proposal you must take that; you will either take my original proposal or my alternative." The letter continues—

If the matter is to be made the subject of controversy or open disagreement I feel bound to withdraw any such alternative proposal.

I call that a childish threat to a body of prominent commercial men representing some of the biggest interests in the United Kingdom. In effect he says, "If you are not going to take my alternative proposal I will withdraw it and simply stand on my regulation." That is not the way to endeavour to bring about a compromise. The letter continues—

It now appears that this is not considered satisfactory, and the suggestions have not therefore been submitted by Messrs. Ross and Walker to your association as arranged. I regret, therefore, to say that I return to Australia without any definite suggestion of a proposal which would be acceptable to both parties, although I feel that I have gone as far as I am justified in trying to bring this about. Thanking you for all the courtesy received at the hands of your association during my stay in Great Britain, believe me, yours faithfully, (Sgd.) E. A. Mann.

This evidently shows that it was through no want of courtesy on the part of the association that some basis of compromise was not arrived at, but rather it was due to the attitude assumed by Mr. Mann, and to his treatment of those gentlemen. This paper concludes with a reply by Mr. Mann to Dr. Schidrowitz's letters and reports of 29th June and 30th July. Mr. Mann refers here to the case submitted by the association and says—

The reports of Dr. Schidrowitz dated 18th May, 1912, and of Dr. Tatlock dated 29th May, 1912, were carefully considered by the committee two years

ago, and seem to have been unnecessarily reproduced here.

As for that, these reports and arguments were perfectly sound when written in 1912, and they are perfectly sound to-day as an exposure of Mr. Mann's arguments; so naturally they were put into the memorial, in order that Parliament might have an opportunity of seeing them. Mr. Mann then refers to paragraph D of the memorial, which regretted that the expenditure incurred by those people at Home did not produce an understanding satisfactory to all concerned; and Mr. Mann goes on to say—

This is scarcely to be wondered at. All through the negotiations and throughout my interviews with the Association, as well as with component firms thereof, it was perfectly evident that the only solution of the question which would "be satisfactory to all concerned" (in the view of the association) would be the complete withdrawal of all attempts to regulate or control the whisky trade in the interests of the public.

That is quite incorrect. There is not the slightest authority for making the statement, and it is practically a gratuitous insult to those gentlemen. There is nothing to show that those gentlemen were not prepared to come to a compromise with Mr. Mann. If this were not the case, would they have sent over the money to pay for his trip? Mr. Mann continues—

No reasonable compromise was ever advanced by the association, who all through seem to assume the attitude that it was incumbent upon me to make some suggestion to relieve them from the control to which they object.

Hon. members have read the correspondence and can judge for themselves who is right and who wrong. Mr. Mann continues—

Two individual members of the association did indeed make proposals to me.

On the contrary, those proposals emanated from Mr. Mann himself. Mr. Mann continues—

But the effect of both these proposals would have been to nullify any useful

or really effective control of the labelling of whisky, and the correspondence appended to the memorial clearly discloses the spirit in which it was expected that I should discuss the matter.

If hon. members will read that letter they will see it was Mr. Mann's own idea as to the labelling of whisky. Mr. Mann's remarks continue—

In effect the association assumed an attitude superior to that of the Government of this State, and required the Government first to commit itself to some definite scheme of compromise before the Whisky Association would even consider it.

That is entirely incorrect, as is shown by the correspondence. He does not comment on paragraphs E and F of the memorial, although they refer to certain reports. In regard to paragraph G, after stating that the whisky exporters had never formally proposed the reduction of the standard for fufural, Mr. Mann remarks—

On the contrary, I distinctly informed Messrs. Walker & Ross in their final interview with me on behalf of the association at the Russell Hotel on 29th July last that "if it were a question of fighting a case on its merits I would prefer to stand by the regulations in their present form, as they presented the most logical and reasonable basis of control."

As I have said, hon. members have the reports of the two specialists on the one side and the opinion of Mr. Mann on the other. Mr. Mann at that time was leaving England, and would not have a further opportunity of debating this question with those scientific men; he would come back to the board here and place his views before them, and naturally they would accept the views of their own officer. In regard to paragraphs H and I Mr. Mann states—

The argument in these two paragraphs is so fallacious and misleading as scarcely to call for reply, yet it is evident that this is considered an important argument by the memorialists, as the figures and argument are extracted direct from Dr. Schidrowitz's re-

ports of 29th June and 13th July. The fallacy of the argument consists in this: The six figures quoted as minima and maxima are taken from six different distilleries, and these figures are not found in combination in any single whisky. The argument of the memorialists assumes that at least the three minimum figures and the three maximum figures quoted occur respectively in one and the same whisky, whereas they have searched the list to find them. This is therefore an unjustifiable attempt to raise a bogus fear in the minds of the public that the regulations will lead to adulteration.

There again we have the two reports of those gentlemen. But it would be absurd to take the samples from one distillery alone if a logical conclusion is to be arrived at. That the three were taken from one distillery is only the interpretation which Mr. Mann placed upon those words. It is a foolish attempt to gloss over the really correct facts. In reference to paragraph K Mr. Mann states—

I repeatedly asked for evidence of the alleged easy adulteration, but none was forthcoming.

If members will read pages 21 and 22 of the pamphlet they will there find Dr. Tatlock's remarks on the subject. Mr. Mann continues—

On the other hand, although in connection with brandy an attempt in this direction was made at first in consequence of the establishment of a chemical standard for brandy in England, repeated inquiries made while I was in London were almost constantly met by assurances that these fictitious brandies were so capable of detection that their importation had almost, if not quite, ceased, and their manufacture was now chiefly carried on for export to uncivilised countries, such as the West Coast of Africa. I also fail to see how adulteration can become more rife under a certain amount of chemical control than it is at present with no such control. Paragraphs L, M, N, O.—The special pleading in these paragraphs has already, I think, been dealt with in my main re-

port. The association desires to put up taste as against chemical control. I also fail to see how adulteration can become more rife under a certain amount of chemical control than it is at present with no such control.

To me it is most apparent that, if you establish chemical control, adulteration will become rife. If you have to make your whisky by certain standards you must do it chemically if you cannot get the pure stuff. Dr. Schidrowitz, in his report on page 22, directly contradicts Mr. Mann in that particular as to being able to detect whiskies which are made up in this chemical manner. Mr. Mann replies to paragraphs l, m, n, and o as follows:—

The special pleading in these paragraphs has already, I think, been dealt with in my main report. The Association desires to put up taste as against chemical control.

Which is the better of the two, public taste or chemical control? Mr. Mann proceeds—

The suggestion that public taste may be rather a myth does not suit the argument of the whisky advertiser, but if it is as reliable and trustworthy as alleged, it will still continue to exist alongside of the proposed chemical control, and there is no need for it to cease that beneficent check which it is supposed to exercise upon the quality and value of the whisky sold in this market.

So far as paragraphs p and q are concerned, Dr. Schidrowitz's figures practically contradict Mr. Mann's again, when he says—

The proof of this is found in the fact that up to the present none of the blenders have been able to show that their blends will be unjustly or incorrectly classified by chemical analysis based on this standard.

Dr. Schidrowitz has already shown that Mr. Mann's proposals are based on wrong premises. Again the report refers to Dr. Schidrowitz's report dated 29th June, 1914, and also to Dr. Schidrowitz's analysis. Mr. Mann proceeds—

The tables of figures attached to this

report are subjected to an exhaustive analysis to show how many individual samples differ from the standards of the regulations. This is obviously the only satisfactory way from Dr. Schidrowitz's point of view in which the figures can be dealt with, because if averages are considered instead of individual instances, Dr. Schidrowitz's figures are shown below to provide a powerful corroboration of my own figures and of the standard proposed.

The method of averaging employed by Mr. Mann is ridiculous. Dr. Schidrowitz laughs at it in his report and says that the proper way is to take each sample by itself and see whether that could possibly conform to the standard, and not take the whole lot of samples, divide them up and strike a standard and say this, that, or the other conforms to it. That is where I say that Mr. Mann has fallen into an error right through. He has taken a general average of every sample he has analysed and said, "Divide these up and there is my standard," whereas Dr. Schidrowitz says that is not the way to arrive at it, that it is in fact quite the wrong way. Mr. Mann says here, referring to the heading "Failure of Standard"—

Dr. Schidrowitz states that the examination of a larger number of samples has already shown the standard to be untenable and that an extended investigation would reveal a still further divergence, one is naturally rather disinclined to agree with him when the above averages are considered. What justification is there for instance for his remark, "it is already quite clear that the furfural figure should come down from 3.5 to about 1.0 or below."

One has only to read Dr. Schidrowitz's report to see that his conclusions are right, and Mr. Mann's conclusions are wrong. He points out that these distilleries vary in distillation every year, and that practically every brew differs in one or other respect. Paragraph 12 reads as follows:—

I will simply content myself with stating that no tribunal has as yet had the question before them which is now

being discussed, either in its present form or with the data now available. This has been repeatedly discussed and explained in my official reports, and in the evidence laid before the Pure Foods Advisory Committee in this State.

Then Mr. Mann says, "Had all these various commissions which sat in England and America, known of my methods they would have arrived at a different conclusion." That is what the House has to decide. Had they known of Mr. Mann's wonderful methods—and I will show later what Dr. Schidrowitz thinks of them—the Royal Commission would at once have come to a conclusion that whisky could be standardised. Members are asked to accept Mr. Mann against all the highest scientific authorities in the United Kingdom and America. Then Mr. Mann refers to paragraph 13 as follows:—

This paragraph is quite a satisfactory reply to paragraph "k" of the memorial, since Dr. Schidrowitz shows that an artificial spirit made up, as the Association fears it may be, under the sanction of the regulations, "is in no way reminiscent of whisky or brandy or of any other potable spirit." With this I agree, and I think, therefore, the fears of the Association on this point may be considered since I have the corroboration of their chemical adviser.

If that is Mr. Mann's reading of the reports of Dr. Schidrowitz and Dr. Tatlock, then I say he does not understand the English language. If hon. members will take the trouble to read what Dr. Schidrowitz says as to the addition of secondary products to whisky, and if they will also read what Dr. Tatlock says as to the addition of secondary products to pure spirit, they will see that they entirely agree, and that far from their being in agreement with Mr. Mann, they absolutely demolish his arguments altogether. That practically comprises the few remarks that I wanted to make on Mr. Mann's reply to the memorial. I would like to conclude by reading the report of Dr. Schidrowitz addressed to the Scottish Whisky Exporters' Associa-

tion on 3rd March, 1913. I read this only for this purpose, that in 1910-12 these gentlemen were asked to advise on these regulations. Their advice was that they were impracticable. It was then decided that Mr. Mann should go to England and Dr. Schidrowitz was asked if he would assist in a series of investigations if Mr. Mann went to England, and this is the letter he wrote in reply to some of Mr. Mann's arguments, in which the former showed a fairminded spirit and what he was prepared to do if Mr. Mann went to England. He said—

I now beg to report to you on the investigation connected with the above matter. You will remember that under date 28th January, 1913, I furnished you with a brief interim report in which, *inter alia*, the origin of the present investigation and the nature of the samples collected were dealt with. I need not therefore deal again fully with these matters, but will be content with stating: (1) That the samples collected were taken under conditions which placed their authenticity beyond doubt. (2) The pure malt pot still samples are representative of the various types of these whiskies distilled in Scotland. (3) The scheme of analysis followed has been strictly that laid down by Mr. Mann in his report to the Chief Inspector of Liquors, Perth, dated Perth, July, 1910, and subsequently confirmed by the Government of Western Australia in Schedule A, *Government Gazette*, Western Australia, 8th March, 1912 (Regulations of Pure Food Standards). The whiskies examined by me consisted of 28 pot still pure malt Scotch whiskies, three patent still grain Scotch whiskies, and a sample of apparently genuine Australian standard malt whisky. The latter, however, as you will see from the results given below, contained no more than a trace of furfural and appreciably less than one half the "standard" of ethers. The higher alcohols also are very deficient according to Mr. Mann's scale, and this sample, therefore, would according to the regulations come under class "d," namely, whiskies contain-

ing less than 50 per cent. of pot still whisky; indeed, if Mr. Mann's standards are logically applied, one would infer that this standard Australian malt whisky contains no pot still whisky at all. This, I presume, cannot be the case and in drawing attention to the facts I intend to cast no reflection upon the merits of this particular brand nor to give any opinion either way as to its merits. With regard to the analytical results set out below, you will observe that in the majority of cases duplicates or check estimations have been made in regard to ethers and furfurals. You will further observe that the figures correspond so closely as to make it evident that the experimental error is very small, particularly when it is borne in mind that the units represent, roughly one part in 200,000 of whisky. With regard to the higher alcohols, the figures given under "Mann method" represent, in the case of the plain figures, results obtained when working as closely as possible according to the method prescribed by Mr. Mann. The figures in brackets are obtained by adding to the adjacent plain figures the increased quantity obtained by subjecting the liquor in the final distillation to the action of steam. You will observe that in some cases this leads to an appreciable increase, in others only to a very slight increase. The inference I draw from this is that the method of distillation laid down by Mr. Mann is most defective and unreliable. You will also notice that where duplicate or check estimations have been made the agreement is not in most cases particularly good, although here and there practically identical results are obtained. Coming next to the figures under the column headed "Schidrowitz Method," only two samples have been examined exactly by my own process. These are numbers 10 and 12 in the table, the word "complete" after the figure indicating that the result has been obtained by my own process. You will notice that in regard to No. 10, which was steam dis-

titled after the Mann method had been applied, there is fair correspondence with my own method. The figures followed by the qualification "oxidation only" were obtained by applying my method of oxidation but using Mr. Mann's method of distillation. Here again, you will notice that there is a fairish agreement between the two methods. Comparing the two methods as a whole and so far as comparison has been made, you will observe that in five cases my method or partial method gives slightly higher results, and in the other three cases results which are slightly lower. I fail to find in these results any confirmation of Mr. Mann's suggestion that "the whole question would be found on full inquiry to be centred in the method of analysis." In this regard I may point out that so far as ethers and furfural are concerned the methods employed by Mr. Mann are substantially identical with those which I have always applied, and that the controversy, so far as there is any controversy, can apply only to higher alcohols. I think it also follows that there is very little, if anything, to support his contention that if the Royal Commission had been aware of his methods and the results obtained by him their report would have been of a different character. I am at a loss to understand Mr. Mann's suggestion that his methods contain anything essentially novel. With regard to the furfural and ethers nothing further need be said; indeed he makes no claim in this direction. With regard to higher alcohols, he has himself said in a paper published in the *Journal of the Society of Chemical Industry*, that he used the closed vessel oxidation method in view of the fact that he could not obtain in Australia the type of condenser employed by me. How, then, can he suggest that his method gives results which are different from or more reliable than my own? However, quite apart from this point, I fail to see any novel feature in his higher alcohols method except that he substitutes mechanical shaking for

shaking by hand. There is nothing new, as far as the extraction goes, in working at a fixed temperature not higher than 60 degrees F. That has always been the standard temperature in my own laboratory. There is also nothing new in working in a closed vessel. This method was employed in the original Allen-Marquardt process. There is nothing new in the method of titration which consists in including the apparent "mineral acid." This method was dealt with by me in a paper in *The Analyst*, which appeared before Mr. Mann's own publication in this particular regard. My own modification of the Allen-Marquardt method which has been adopted by the Bureau of Chemistry of the United States Department of Agriculture and which is now being very generally employed by analysts in this country, was devised with a view to overcoming some of the defects of the original method. One of these defects was the method of distillation, and I showed, I think pretty clearly, that it was necessary to use a current of steam to bring over, on the one hand, in the first part of the process, the whole of the higher alcohols, and in the last stage the whole of the corresponding fatty acids. Mr. Mann has apparently reverted to the earlier and more effective method.

Then he sets out various totals and analyses which I will not read. He points out how many of these would be disqualified if Mr. Mann's methods were adopted, but his general conclusion is very interesting. It is as follows:—

It is plain so far as the 28 samples of pot still pure malt Scotch whiskies employed in this investigation are concerned that Mr. Mann's standards would rule out a very large proportion as being not genuine, whatever method of analysis is employed. The 26 samples referred to represent 28 separate Scotch pure malt pot still distilleries. They further represent, in my opinion, very fairly, the heavy, light and medium types of the various classes (Highland malts, Lowland malts, Islays and

Cambeltowns) of malt whiskies made in Scotland. Moreover, all the whiskies are approximately five years old, and therefore very fairly mature in every case. Sherry and plain wood are equally represented. If samples representing only one particular make, namely, a specific run in a certain year, from 26 distilleries, show such results how much greater would the variation be, how much greater the divergence from the proposed standard, if different makes over a series of years were taken from the 120 odd distilleries now working. It appears to me that in view of the enormous variations of the other furfural and higher alcohols not only as between different makes of the same distilleries, that it is a mathematical impossibility to estimate the amount of pot and patent still spirit respectively in any given blend by any such process as that proposed by Mr. Mann. In view of the figures obtained with unblended whiskies it is perfectly clear that the difficulties in connection with blended whiskies are and must be insurmountable in the sense of estimating actual proportions of different types of spirit in a blend. While, as you observe from the above and from my previous reports that I hold very strong views on the question of analytical standards, and while I hold that an attempt to determine proportions of different types of spirits in a blend on any analytical basis must necessarily and essentially constitute the merest guesswork. I am quite prepared, as I have already indicated to you, to take part in a joint investigation with Mr. Mann, provided that an impartial referee or committee take part in such an investigation. I am prepared to enter into this investigation with a perfectly open mind and to set aside for the time being all that is known to me on the subject. I am further prepared to leave it to Mr. Mann to suggest any method of analysis which he pleases.

That is the crushing reply to the statement set up by Mr. Mann who went home to teach them his wonderful methods for the standardisation of whisky. Dr. Schid-

rowitz has led the way in all these investigations and he shows that Mr. Mann has reverted to antique methods to try and effect his standardisation. That is really all I have to say on the matter. I am sorry that I have detained the House at such great length but the question is one of great importance to the whisky exporters of Scotland. I hope I have been able to convince the House that members will have to choose between the Pure Foods Committee on the one side and the greatest scientific authorities, and the Royal Commissions who have sat in America and England on the other. I have shown hon. members that under Mr. Mann's standard all whisky manufactured in the United Kingdom, Canada and Australia would be excluded, and I ask hon. members to consider whether we should set him and his credentials up against great authorities like Dr. Schidrowitz and Dr. Tatlock. Thursday is the last day on which these regulations can be disallowed. I have already explained what will happen if they are disallowed, regulations still more unworkable will come into effect and that is exactly what I want to bring about, because those regulations will be unworkable and there will not be one gallon of whiskey imported into Western Australia under them.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central): I move—

That the debate be adjourned until Thursday next.

Hon. J. F. Cullen: Make it to-morrow.

The COLONIAL SECRETARY: It is almost impossible to reply to a speech of three hours duration before Thursday.

Motion passed, the debate adjourned.

BILL — CONTROL OF TRADE IN WAR TIME AMENDMENT.

Third Reading.

The COLONIAL SECRETARY (Hon. J. M. Drew—Central) [8.25]. I move—

That the Bill be now read a third time.

Hon. J. F. CULLEN (South-East) [8.22]: Before the Bill is read a third time I would like some information from the Colonial Secretary. I opposed the

second reading of the Bill on the ground that it would confirm and extend the powers of the commissioner in whom the country has little confidence.

THE PRESIDENT: Does the hon. member intend to conclude with an amendment?

Hon. J. F. CULLEN: I am opposing the third reading and I intend to vote against it. My main objection to the Bill is that the commission in whom the country has very little confidence has unfortunately been made the ultimate authority in connection with the operations of another board, in whom the country has confidence, but with whose decisions there may be cause for a difference of opinion. That is to say, the farmers with whom that other board will have to deal may not be able to accept that board's decision and it would have no one else to appeal to but the commissioner under this Bill. I confess that when I heard the personnel of the other board I thought there would be no reference to the commission at all, that board being composed of such excellent men, but within the last few days very serious developments have taken place with regard to that other board, leading me to believe that the commission whose existence and powers we are now confirming and extending will have to come in and will be, I hold, an utterly unfit authority. If the Minister could satisfy the House that the reports of serious differences between that other board and the farmers were either exaggerated or were in process of being satisfactorily dealt with—

The Colonial Secretary: Which other board?

Hon. J. F. CULLEN: The board consisting of Messrs. Sutton, Monger, and Gorrie. If the Minister will assure me that the differences which have arisen and the alarm in the country in connection with certain acts of that board which may have been unduly influenced from outside—if he can assure the House that there is no cause for alarm I will not be so greatly concerned about this Bill. The Minister assured both Houses

that all farmers who made contracts to the extent that they were able to fulfil would get the prices they contracted for and the difference between that price and those prices that the board might pay would go to the buyers who had contracted with the farmers. There was no doubt about that. It was openly stated in both Houses as the intention of the Government under the Bill. It transpired a little later that the board intended to ask the buyers as a matter of grace to divide with the sellers any profits that might come to them from the price fixed by the board. No objection could be taken to that. It would be a humane act on the part of the board. The latest development is that someone outside the board has convinced the buyers that they need not go to the board as a matter of grace, that they are to ignore them altogether and deal only with the farmers, who either have grain to sell or who had previously sold it to middlemen. If the Government are a party to that interpretation of the measure, then the Bill now before the Council, making a commissioner in whom no one has confidence, unless perhaps some of the Ministers, the ultimate arbiters, then such a Bill should not be passed. It ought to be held up until the Government are in a position to say whether they are going to stand by their speeches in both Houses, on which Parliament was induced to pass the second reading, or whether they are going to take advantage of a possible interpretation of a clause in the Bill and repudiate all those declarations. If they take that course the country will be filled with litigation from end to end. That surely would be a calamity. The worst thing that Parliament can do is to invite litigation. Every Act of Parliament should be as plain as possible and Ministers above all should state clearly their object and what their legal advisers say will be the effect of any measure of theirs, and then they should stand to that even though some lawyer might declare that he could convince a court that it meant something else. I want to save

the country from wasteful litigation, and I think the Government, before they ask this House to read this Bill a third time, placing the farmers, sellers and buyers at the mercy of such a commissioner as Messrs Rae, Bath and Simpson, as the ultimate arbiters, before the House allows the Government to place the country in that position, there should be a definite announcement from the Government as to what they are doing under the later passed Act in connection with which the Commission are to be the arbitrators. Will the Government manfully and honourably stand by their announcements in the Legislature, or do they intend to adopt some later interpretation by a lawyer that they can do the very opposite of what they announced they proposed to do?

The COLONIAL SECRETARY (Hon. J. M. Drew—Central—in reply) [S.31]: I have listened very attentively to the hon. gentleman and I really do not know what he is driving at. First he stated that it was rumoured there was friction among the members of the board—

Hon. J. F. Cullen: No.

The COLONIAL SECRETARY: The hon. member led me to believe there was friction between the members of the board, and that the Royal Commission—

Hon. J. F. Cullen: No.

The COLONIAL SECRETARY: The hon. member indicated some trouble, but he has not attempted to define it. I would like him to be specific. He has given no clear statement of the rumours. I am in close touch with the Minister for Lands and have discussed these matters with him from time to time during the last week. I have heard of no friction or trouble—

Hon. J. F. Cullen: With the permission of the Chair I would like to explain. The position is that the Grain and Foodstuff Board have, under some influence, interpreted the Act entirely differently from the interpretation put upon it by Ministers in asking the Legislature to pass the measure. Specifically Ministers stated the Government would give the

Board power to take all wheat, they would pay the farmer whatever the board fixed, and the price fixed was 7s. 4d., but if the farmer had sold they would give him what he had sold at and the difference between that and the price fixed by the board would go to the buyer, whether the merchant or the miller. That was the statement made by Ministers. The latest report—and it is too serious to be passed by—is that someone has advised the Board that they must not do this at all, but that they are to give the farmer, where he sold to a middleman, even if he has delivered to the middleman the 7s. 4d. and leave it to the middleman to sue the farmer in the court for the balance of the money. The Minister can surely tell us whether this is true, because if it is, the floodgates of litigation will be opened throughout the State. If it is not true a great majority of the people interested will be glad to have the report contradicted.

The COLONIAL SECRETARY: How can I possibly unravel that tangle or explain every detail in connection with the administration of the Board and of the Commission.

Hon. J. F. Cullen: It is more than a detail.

The COLONIAL SECRETARY: If there is trouble and friction I have no knowledge of any such state of affairs. The hon. member did his level best last week to defeat this Bill on the second reading. He used every possible argument and failed on a division by 15 votes to eight, and now on the strength of vague rumours and of first, second, and later reports and alleged arguments, he is endeavouring to induce members to defeat the Bill on the third reading. I hope he will not be successful.

Question put and passed.

Bill read a third time and *passed*.

BILL—BLACKBOY AND ZAMIA PALM LICENSE.

Read a third time and *passed*.

BILLS (2)—FIRST READING.

1, Coal Mines Regulation Act Amendment. (Hon. J. Cornell in charge).

2, Midland Junction Trades Hall.

Received from the Assembly.

BILL—INDUSTRIES ASSISTANCE

Assembly's Message.

Message from the Assembly notifying that it had agreed to make amendments Nos. 5 and 7, requested by the Council, had agreed to make amendment No. 10 subject to a modification, but had declined to make amendments Nos. 1 to 4, 6, 8, 9, and 11, now considered.

In Committee.

Hon. W. Kingsmill in the Chair; the Colonial Secretary in charge of the Bill.

The CHAIRMAN: The first amendment which the Assembly have declined to make is as follows:—

No. 1, Clause 9:—Add the following proviso to paragraph (b): Provided that no commodity shall be supplied or money advanced under this Act after the thirty-first day of December, 1915.

The COLONIAL SECRETARY: I move—

That the amendment be not pressed.

If members consider the amendment they will realise that it will be impossible to make advances to agriculturists or to those engaged in the mining industry after the end of the year. The Government are making advances to those engaged in mining to enable them to continue work, but the amendment will restrict operations after the end of the year. No sound reason has been advanced for the amendment, and it will have the effect of hampering the Government.

Hon. H. P. COLEBATCH: I hope the Committee will insist on a modification of this amendment. The amendments to Clause 9, to which the Legislative Assembly takes exception are closely associated. As far as I am concerned, if the Government are prepared to accept the amendment limiting the period I would be prepared to give them what is

desired under the other amendment made to this clause. It has been said that if this amendment be insisted upon it will interfere with the Government making advances to settlers to meet the harvesting of their crops next year. I propose to meet that objection by a modification of the present amendment, so that it will read as follows:—

Provided that no commodity shall be supplied or money advanced under this

Act after the 31st day of March, 1916.

The Colonial Secretary contended that under this amendment it would be impossible for the Government to make advances to farmers or mining companies. That is not the case. Without this Act the Government have the ordinary facilities for making advances, whether to farmers, mining companies or prospectors. The purpose of this Bill is to give the Government extraordinary powers, because of the extraordinary conditions at present obtaining; and while I agree that it probably is desirable the Government should have extraordinary powers, I think it also desirable that we should limit the period during which these extraordinary powers shall have operation. Even supposing we have another bad harvest, which I hope we shall not, it may be necessary to re-enact this legislation, but I can see no necessity for making it permanent. If members will look at Clause 24 they will find that the Government are not directly bound as to the extent of the advances or as to the security as in the case of advances to farmers. That clause gives the Minister practically a free hand; he can make advances practically on whatever security he likes, or on no security at all. I do not object to a provision allowing the Government to render extraordinary assistance to industries in the present extraordinary circumstances, but I do not think the Government should have that power in normal circumstances. I would raise no objection if this Bill were to apply only for a certain period, say, while the war is on, or until the 31st March next. The question of time has a distinct bearing on the next amendment we have to consider. The proper step to take in regard to the persons in the dry areas who have been unable to pay their rents during the past

three years is to put these arrears of rent on to the end of their period. It is not fair to the taxpayer to take borrowed moneys from loan and to take it into revenue by way of land rents, and to charge the farmers six per cent. At the same time, I do not think this House should seek to interfere with the proposals of the Government to square the finances during an extraordinary period. Therefore, if the Government is prepared to accept the modification of the amendment outlined, I am prepared against my inclination, to waive my objections. With reference to Clause 21, I do not think the provision in that clause or the schedule is sufficient for the protection of the storekeeper; but I am prepared to let it go as a matter of emergency, but not if it is to be permanent in character. I move—

That the amendment be insisted upon with the modification that the 31st March, 1916, be inserted in lieu of 31st December, 1915.

The COLONIAL SECRETARY: Mr. Colebatch's proposal would be an improvement on the amendment as it already stands, because it would enable assistance to be rendered until after the next harvest. But no reason has been given by Mr. Colebatch why the life of the Bill should be restricted to the 31st March, 1916. The war is not likely to be over by then, and even if by that time it is not necessary to render assistance to farmers, the Government would still have to render assistance to the mining industry. The Government are doing this now and will have to continue doing it during the war and probably for some months afterwards. I see no valid reason why this House should insist on this amendment. From the remarks of Mr. Colebatch one might conclude that the Government would run after the farmer and the mine owner to press them to take advantage of assistance. That is not the intention. It is proposed only to grant assistance where it is absolutely necessary. I would remind members that this is a money Bill and they must be very careful with regard to the amendments made; if amend-

ments be pressed which are not acceptable, the Bill may be lost.

Hon. J. F. CULLEN: The only reference to money in this Bill is that money may be appropriated to certain purposes. If the Bill be enacted without any time limit, it will have a very bad effect. The Bill should be treated entirely as an emergency measure. This can be done by passing it with the clause limiting the period of its operation. If towards the end of next session it is shown there is a necessity for extension for a few months longer, both Houses of legislature would carry the continuation measure. Already there are Bills which have to be passed annually very much more important in character than this one. What difficulty is there in the way of the Government bringing down a continuation Bill next session?

Hon. J. CORNELL: I rise to a point of order. To my mind this amendment is not in order.

The CHAIRMAN: Does the hon. member wish for a ruling?

Hon. J. CORNELL: Yes.

The CHAIRMAN: I rule that the amendment is in order. If the hon. member wishes to disagree with my ruling, he must write out his objection giving his reasons for disagreeing.

Hon. J. CORNELL: I submit that the amendment should be inserted in a distinct clause at the end of the Bill, as provided by Standing Order 174, which reads as follows:—

The precise duration of any Bill, the provisions of which are intended to be temporary, shall be inserted in a distinct clause at the end thereof.

The CHAIRMAN: I will now ask the President to resume the Chair, so that the point or order may be considered.

The President resumed the Chair.

President's Ruling.

The CHAIRMAN: Mr. President, I have to report that Mr. Cornell has objected to my ruling against his point of order, that the modification of amendment No. 1, which amendment the Legislative Assembly has refused to make in

this Bill, is out of order, for the reasons which he has submitted.

The PRESIDENT: I rule that the Chairman's decision is in order. The reasons have to do with the duration of the Bill, and have nothing to do with the modification. The Chairman rules presumably on Standing Order 244, paragraph (5)—

If the Bill is returned to the Council by the Assembly with any request not agreed to, or agreed to with modifications, any of the following motions may be moved:— (5) That some other modification of the original request be made.

I consider that the amendment which has been moved on the Council's request, is in the nature of a modification of the original clause.

Committee resumed.

Hon. J. CORNELL: When the original amendment was before the Committee, and the duration of the measure was limited to December, 1915, I, somewhat significantly, was the only member who opposed the limitation. I said then, and I say now, that the intention of the limitation was then and is now that the Government should do in lean years what private enterprise will not then do, and that in fat years it should be left to private enterprise. To limit the scope of the Bill as proposed means the destruction of the whole measure, because the limitation will apply to Clause 24 as well as to the present clause. The whole purpose of the Bill is to make advances, and another place demands that those advances shall not be limited; therefore, limitation will destroy the Bill. The only effect of the limitation could be to collect advances made under the measure.

Hon. Sir E. H. Wittenoom: We will be lucky if that is the effect.

Hon. J. CORNELL: If it should prove otherwise, there will be many bankrupts among the farmers of this State. The measure is not hall-marked as a party measure, and I am free to act as I choose in regard to it. Should the Government drop the Bill as the result of the carrying of this amendment, then I shall

have justice, if not expediency, on my side. If it is sound policy to risk the money of the taxpayer, as proposed, in abnormal times, it is doubly sound policy to do so in normal times. Certainly, if the amendment is carried there will be no occasion to discuss the reinsertion of paragraph (c) of Clause 9. Ministers would be fit subjects for treatment at Claremont if they availed themselves of this Bill with a limitation to 12 months. The object of the amendment is to say, indirectly but effectively, that money is not to be advanced to selectors who owe arrears of rent, because thus the deficit would be reduced.

Hon. W. PATRICK: Mr. Cornell has put the case from the Labour party's point of view. I hope the Committee will press the amendment as proposed to be modified. The object of the measure is to assist industry in abnormal times, and no Parliament would pass a permanent measure of this nature, especially with a clause empowering the Government to seize loan funds and pay them into revenue. Such a proposal is not finance, but a piece of pure foolishness. It amounts to an attempt to reduce the deficit by crediting one account in the State's books, while at the same time correspondingly debiting another account. Apparently, the settler is not going to get anything at all under this Bill. He is to give the best of security, and he is going to pay the uttermost farthing—6 per cent.

Hon. J. Cornell: Why cannot a settler get assistance elsewhere?

Hon. W. PATRICK: The farmer and the squatter compose the State. If the State is going to prosper in the future, it is the farmer and the squatter will make it prosper, though no doubt mining will always be a considerable factor. Certainly, if Mr. Colebatch's modification is not carried, I shall insist on the deletion of paragraph (c).

Hon. H. P. COLEBATCH: If Mr. Cornell will read Clause 24 of the Bill, he will see that his principal objection to the limitation of this measure is entirely baseless. Mr. Cornell maintains that if to advance in times of distress, when no one else would advance, is sound

policy, it must be doubly sound policy to advance in good times, when private individuals and institutions are prepared to make advances. He is exercised over the point simply because the measure proposes to assist other industries as well as agriculture. If he will read Clause 24 he will see that it is lawful for the Government to come to the assistance of other industries only when it is proved that it is not practicable for the applicant to obtain assistance through the ordinary financial channels, clearly showing that it is intended the Bill should apply only in times of stress.

Hon. J. W. KIRWAN: I am surprised at the source from which the amendment comes. The Bill is intended to assist the farming industry. Representatives of the goldfields are unanimous in giving the Government full power to grant advances so long as the Government consider it necessary. The goldfields are ever prepared to extend the utmost liberality towards the farmers, and on all occasions goldfields members have supported the agricultural industry by their votes. From whom, then, does the opposition to the Bill come? From Mr. Colebatch and Mr. Cullen, both representing the farming industry. Notwithstanding what these gentlemen have said we are prepared to give the Government full power to make these advances. We all hope it may not be necessary to make advances right up to March, 1916. Still, we cannot be sure, and therefore we should give the Government a free hand, not only until March, but indefinitely. Why then, should certain representatives of the farming community say "No, we will not trust the Government to help the farmers beyond a certain period, but will place a time limit upon that assistance"? Personally I will vote to give the Government power to afford full help to the farming industry.

Hon. C. SOMMERS: Evidently Mr. Kirwan forgets that this assistance to farmers is to be rendered only with the consent of the present mortgagees. It is greatly to the interests of those mortgagees to know how long these advances are to continue. The Government will

lend assistance only on security that any money lender would accept, and therefore it is only by the generosity of the first mortgagees that the Government are coming to the assistance of these distressed farmers. It is unreasonable to ask us to agree to an unknown proposition. According to the Bill the Government may lend to the settler as much as they like, and for as long as they like.

Hon. H. MILLINGTON: It is difficult to reconcile the attitude of the mover of the amendment with his remarks on the second reading. On the former occasion he took the Government to task for not having introduced the measure earlier. Now, when the Government propose that in future they shall be prepared to meet such contingencies, the hon. member wishes to limit the time during which advances may be made. In Western Australia the seasons are very unreliable. During the last four years three of the seasons have been seasons in which such assistance as that proposed would be found necessary.

Hon. W. Patrick: That is absolutely incorrect.

Hon. H. MILLINGTON: It does not matter if the drought conditions are limited to a small portion of the State, the Government must have this provision under which to make the necessary advances. They have a right to say under what terms they will make advances, and it is well to have a measure with which to meet an emergency. Already advantage has been taken of the Government because of the want of such legislation. The Bill should be permanent.

Hon. H. P. COLEBATCH: There is no intention to limit the time during which the Government may give assistance to the farming or any other industry. For years past the Government have been rendering assistance to the agricultural industry through the Agricultural Bank in the ordinary way, and for the last couple of years they have been rendering extraordinary assistance to distressed farmers without the Bill at all. The Bill was not introduced for the purpose of enabling the Government to render assistance to farmers; the Govern-

ment could have rendered as much assistance as they liked without the Bill. It was introduced to give the Government an exceptionally good security for the advances they chose to make to farmers. What I wish to do is to prevent the Government having the advantage of this exceptionally good security except in times like the present. The Bill may be one for the farmer, but it is two or three for the Government.

Hon. J. W. KIRWAN: Mr. Colebatch says the Bill is specially intended to give extraordinary security to the Government. Does he expect the Government in times like this to advance without security? The main purpose of the Bill is to confer advantages on the farming industry. If this is not the purpose of the Bill, what is its purpose? My contention is that it is the goldfields members who, just the same as the Government, have over and over again stood by and voted for the agricultural industry. I am glad to say that at present in both Houses there is a party which is fighting for the agricultural industry. The goldfields always recognised that the agricultural industry was one of the primary industries of the State, in the same way as the mining industry was, and felt that the agriculturists in Parliament, well—we know they have been opposed to the Government—whether it has been to embarrass and discredit the Ministry in power, I do not know, but the fact remains that over and over again—

The CHAIRMAN: This general discussion has gone quite far enough and I ask hon. members to confine themselves to the subject of the amendment.

Hon. Sir E. H. WITTENOOM: I intend to support the amendment introduced by the hon. Mr. Colebatch. This Bill, no doubt, is specially introduced for the purpose of rendering that assistance to farmers that is necessary in these abnormal times. In these circumstances it is only reasonable that it should have some limitations. During normal times, however, there are ample means for rendering this assistance without the aid of special legislation of this kind. We have been told that a great

deal of sympathy and support has come from the goldfields members.

The CHAIRMAN: I ask the hon. member to confine himself to the amendment.

Hon. Sir E. H. WITTENOOM: I have much pleasure in supporting the amendment.

The COLONIAL SECRETARY: There is another aspect of this matter. Neither the amendment nor the modification has been introduced in its proper place. I presume that the amendment of the Hon. Mr. Colebatch is intended to govern the whole Bill, and—

Hon. J. F. Cullen: No, no.

Hon. W. Patriek: Certainly.

The COLONIAL SECRETARY: That no power should be given to the Government to make any advances after 31st March, 1916.

Hon. J. W. Kirwan: Leave it as it is.

The COLONIAL SECRETARY: If hon. members will look they will see that the amendment comes in Part 2, Advances to Settlers, Clause 9 states—

The Colonial Treasurer may, for the purpose of affording assistance to settlers and other persons affected by the drought or other adverse conditions—
(a) supply applicants, or cause them to be supplied, by guarantee or otherwise, upon credit, with seed wheat, or other cereals, fertilisers, hay, chaff implements, machinery, live stock, flour, and other commodities, whether of the same kind as any of those hereinbefore specified or not, which the Colonial Treasurer thinks necessary for the said purpose; and (b) make advances to applicants to enable them to pay for the agistment of live stock and stud fees.

Then comes the proviso in Part 2 where assistance is only rendered to persons affected by the drought. The insertion of this amendment there will cause confusion. It is difficult to tell what the interpretation will be until it reaches the Supreme Court. Possibly we can give the assistance under Clause 24, but probably we cannot. What does the amendment mean? Does the amendment govern

the whole Bill or govern Part 2 of the Bill only?

Hon. J. F. Cullen: It cannot be cured now.

The COLONIAL SECRETARY: The hon. Mr. Sommers says that if the Bill was allowed to operate after the 31st March, 1916, it would place the mortgagee in an undesirable position, and that the Government could make advances without consulting him. I do not think that would be the effect of the amendment moved by Mr. Gawler. The mortgagee would have to be consulted in regard to the amount advanced. If it is proposed to advance a sum of £200, the Colonial Treasurer would have to notify the mortgagee that there is an application for a loan of £200 for the purpose of cultivating and sowing the land by, perhaps, Thomas Jones, who was the mortgagor. The mortgagee would then give his consent to the mortgagor borrowing that amount from the Government. Then again the hon. Mr. Colebatch stated that the Agricultural Bank and the Seed Wheat Board provided all machinery necessary in connection with the provision of relief to farmers. I think most hon. members know that the Agricultural Bank could not possibly afford the relief that is necessary under existing conditions. The conditions under which the Agricultural Bank may advance are restricted. A man can borrow for the purpose of sowing or cultivating or cropping his land, so that the Agricultural Bank under present abnormal conditions would be quite useless to carry out the good work intended to be effected through the operations of this measure. The Seed Wheat Board was brought into existence illegally without Parliamentary authorisation, to deal with the drought of 1911. It has continued in operation since but it is felt it is undesirable that this state of things should go on any longer or that the board should continue to exist without Parliamentary authority.

Hon. H. P. COLEBATCH: I am quite in accord with the first portion of the Colonial Secretary's remarks in regard to the place in which this amendment should make its appearance in the

Bill. It was moved in Clause 9 because it appeared in the corresponding clause of the South Australian Act, and at the time it was moved sufficient regard was not paid to the operations of that Act, which had not been embodied here. It would avoid confusion if it was included in the financial portion of the measure instead of in Clause 9.

Hon. J. F. Cullen: You cannot do it now.

The Colonial Secretary: Strike it out.

Hon. H. P. COLEBATCH: If there is any means of putting it in its proper place at the end of Clause 25 to avoid the confusion referred to by the Colonial Secretary, it would be a good thing.

Hon. J. F. Cullen: Clause 25 is not before the Committee.

Question (that the words proposed to be struck out be struck out) put and passed.

Question (Council's request as modified) put and a division taken with the following result:—

Ayes	17
Noes	4
Majority for				13

AYES.

Hon. H. Carson	Hon. R. D. McKenzie
Hon. E. M. Clarke	Hon. E. McLarty
Hon. H. P. Colebatch	Hon. W. Patrick
Hon. J. F. Cullen	Hon. A. Sanderson
Hon. D. G. Gawler	Hon. C. M. Sewell
Hon. V. Hamersley	Hon. C. Sommers
Hon. J. J. Holmes	Hon. Sir E. H. Wittenoom
Hon. A. G. Jenkins	Hon. C. F. Baxter
Hon. C. McKenzie	(Teller)

NOES.

Hon. J. Cornell	Hon. J. W. Kirwan
Hon. J. M. Drew	(Teller).
Hon. H. Millington	

Question thus passed; the Council's request as modified agreed to.

Progress reported.

BILL—LUNACY ACT AMENDMENT.

Assembly's Message.

Message received from the Assembly notifying that it did not insist upon Amendment No. 1 made by the Legislative Council, nor upon the second part of No. 4, but that it insisted upon the

first part of No. 4, dealing with Clause 8, and disagreed with the further amendment No. 6 for the reasons indicated in the schedule.

BILL — GOVERNMENT ELECTRIC WORKS.

Assembly's Message.

Message received from the Assembly notifying that it had agreed to make amendments Nos. 1 and 2 requested by the Legislative Council, but that it declined to make amendment No. 3.

House adjourned at 9.50 p.m.

Legislative Assembly.

Tuesday, 9th February, 1915.

	PAGE
Questions: Wheat Handling Charges	1321
Wongan Hills-Mullewa Railway resolution ..	1321
Loan Flotation, New South Wales ..	1322
Education Department, Promotions and Transfers	1324
Bills: Midland Junction Trades Hall, all stages ..	1322
Licensing Act Further Amendment, 2R. ..	1325
Lunacy Act Amendment, Council's message	1329
Government Electric Works, Council's amendments	1333
Control of Trade in War Time Amendment, Council's message	1360
Blackboy and Zamia Palm License, returned	1361
Paper presented	1322
Joint Select Committee, Money Bills Procedure	1325
Annual Estimates, general debate ..	1335

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

QUESTION—WHEAT HANDLING CHARGES.

Mr. JAMES GARDINER (without notice) asked the Premier: 1, Is he aware that the Acquisition Board have fixed the price for handling charges of wheat acquired from farmers at 4d. per bushel. 2, If so, how it is made up? 3, To whom is it to be given?

The PREMIER replied: 1, No. The charge of 4d. is not limited to handling but is made to cover the cost of acquiring, receiving, despatching, insurance, and other incidental charges. 2, Answered by No. 1. 3, To those employed in carrying out the duties enumerated in answer No. 1.

QUESTION—WONGAN HILLS-MULLEWA RAILWAY RESOLUTION.

As to debate.

Hon. FRANK WILSON (without notice) asked the Premier: Will he give the House an opportunity on the following day to discuss the motion received from the Legislative Council with reference to the transfer to the Working Railways of the Wongan Hills-Mullewa railway. At the last meeting of the House some doubt was expressed as to whether the Government would give an opportunity to members to discuss this motion, which was one of considerable interest.

The Minister for Works: Of what use will be the discussion? The railway will be taken over shortly.

Hon. FRANK WILSON: The motion might be allowed to come on first, that is, if the Premier is agreeable.

The PREMIER: The arrangement of the Notice Paper for to-morrow is out of my hands. To-morrow will be private members' day and in that case I cannot give an answer to the hon. member's question. The matter is out of my control. Private members' business appears on the Notice Paper in the order in which it is received by the House.

Hon. FRANK WILSON: Not necessarily. The Premier is quite mistaken. He is evidently raising an obstacle. It is not a question of preference. This can be done by arrangement as it has been done on many occasions previously. There are only two motions to be considered, and the Premier might agree to take the Council's Message first. The motion dealing with gold mining leases can follow.

The PREMIER: The hon. member is quite wrong. Private members' busi-