session was drawing to a close. It was not unreasonable to ask members to make a little progress. Let us seriously go on for a while and see if we could not finish one clause before progress was reported.

HON. R. F. SHOLL: The hon. gentleman never spoke without putting his foot in it.

THE CHAIRMAN: Members should confine themselves to the question.

HON. R. F. SHOLL: Before there was any suggestion to report progress, we should divide on the amendment. The Leader of the House ought not to lecture members, some of whom had more experience than he. It was childish to say a member who wished to report progress was taking charge of the House. Any member had a right to ask for an adjournment.

HON. E. McLARTY supported the amendment. The tax was so small that it would not press heavily on the persons affected. He was opposed to any exemption. Moving to report progress was no infringement of the rights of the Leader of the House. He (Mr. McLarty) voted for the motion because he thought we had done enough for the day.

Amendment (to strike out the subclause) put, and a division taken with the following result:—

Ayes	..	14
Noes	..	10
Majority for	..	4

AYES.	NOES.
Hon. H. Briggs	Hon. G. Bellingham
Hon. E. M. Clarke	Hon. T. F. O. Brimage
Hon. F. Connor	Hon. J. D. Connolly
Hon. C. E. Dempster	Hon. J. T. Glowrey
Hon. R. Laurie	Hon. J. W. Hackett
Hon. W. T. Loton	Hon. J. W. Langsford
Hon. W. Maley	Hon. R. D. McKenzie
Hon. E. McLarty	Hon. C. A. Piesse
Hon. M. L. Moss	Hon. J. A. Thomson
Hon. W. Patrick	Hon. J. M. Drew
Hon. G. Randell	*(Teller).*
Hon. R. F. Sholl	
Hon. J. W. Wright	
Hon. C. Sommers	
(Teller).	

Amendment thus passed, the subclause struck out.

HON. M. L. MOSS: Unless the Minister would report progress, the whole clause should not be put.

On motion by the COLONIAL SECRETARY, progress reported and leave given to sit again.

ADJOURNMENT.

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

Legislative Assembly.

Wednesday, 17th October, 1906.

THE DEPUTY SPEAKER took the Chair at 4·30 o'clock p.m.

PRAYERS.

QUESTION—TIMBER COMBINE COMPETING WITH FIREWOOD CUTTERS.

MR. WALKER asked the Premier: 1, Is he aware that owing to the concessions in railway freights made to the Timber Combine, the Combine has entered into competition with the firewood cutters at Smith's Mill, Parkerville, Chidlow's, Lion Mill, etc.? 2, That the Combine is selling firewood at lower prices than the cost of cutting? 3, That this unfair competition will throw over six hundred men out of employment or compel them to accept greatly reduced wages?

THE PREMIER replied: 1, No alteration has been made in the firewood rate.

The reductions recently made refer only to timber for export. 2, No. 3, No. The Commissioner of Railways farther states in reference to this matter: "We are not aware of any concessions to the Timber Combine as far as firewood is concerned. They are charged exactly the same rate, and firewood is conveyed under the same conditions and price as for other contractors."

QUESTION — METROPOLITAN WATER SUPPLY, REDUCTION IN PRICE.

MR. H. BROWN asked the Minister for Works; Owing to the Government making a loss of about £80,000 per annum on the Coolgardie Water Scheme, and recently reducing the price of water, is it the intention to reduce the price of water to consumers in the Metropolitan Waterworks this summer, the latter scheme showing a considerable profit?

THE MINISTER FOR WORKS replied: 1, There has been no general reduction in the price of water from the Coolgardie Water Scheme for the last twelve months, but a few special reductions have been made. 2, Owing to the reduction in price of excess water by the Metropolitan Waterworks Board last January, and the difficulty of estimating the effect of this reduction on the revenue of the board until it has had a full year's trial, no alteration in price is at present contemplated.

QUESTION—MINING ACCIDENTS, PARTICULARS.

MR. HOLMAN asked the Minister for Mines: What number of accidents have occurred in the mines in the State reported to the Mines Department for the nine months ending 30th September, 1906—(*a*) fatal accidents, (*b*) accidents other than fatal?

THE MINISTER FOR MINES replied: Complete returns for September not available. To the 31st August, 1906—Fatal accidents, 26; serious accidents, 268; trivial accidents, 416.

LAND SALE AT SANDSTONE, NEW TOWNSHIP.

HIGH PRICES.

THE PREMIER AND MINISTER FOR LANDS (Hon. J. N. Moore): A rather interesting piece of intelligence has come to hand, which I think it as well the House should know, in reference to the recent sale of town lots at Sandstone. I have no official information as to the result of the sale, but I have received a wire from Lawlers, sent by a prominent resident, to this effect:—

> Land sale, 87 lots brought £14,000 odd. Probably most successful sale outside the Golden Mile. You must be congratulated on success of sale.

I think it very gratifying, in this time of depression, to know that these lots have realised so high a price in that locality (Black Range district).

BILL—LAND ACT AMENDMENT.

Read a third time, and transmitted to the Legislative Council.

BILL—PERTH TOWN HALL (SITE).

THIRD READING.

THE PREMIER moved that the Bill be now read a third time.

MR. H. BROWN: The Bill should be recommitted. The Perth Council had made an agreement with the Government, and were unanimously of opinion that the amendment made in Committee on the Bill, giving power to select other sites than that in Irwin Street, was not needed. The mayor had written to the Premier in reference to the matter. The amendment should be deleted.

THE PREMIER had received a message to that effect from the Perth Council, and proposed to ask another place to make the necessary deletion. The Government stuck to the Bill as printed, and the amendment was made at the suggestion of members representing metropolitan constituencies. Could the Bill be recommitted after the adoption of the report?

THE DEPUTY SPEAKER: Yes; but it would be necessary to give notice of amendments.

Question put and passed.

Bill read a third time, and transmitted to the Legislative Council.

FEDERAL UNION, THIS STATE TO WITHDRAW.

Message from the Legislative Council received and read, acquainting the

Assembly that the Council had concurred in the resolution affirming that the time has arrived for referring to the people the question of this State withdrawing from the Union.

The reading of the message elicited applause from a number of members.

REPORT—JANDAKOT TO S.W. RAILWAY.

MR. G. TAYLOR (Mount Margaret) moved—

That the Report of the board or commission appointed to inquire into the construction of the railway from Jandakot to the South-Western Railway line be laid on the table of the House.

The Government appeared to have decided that the Jandakot Railway should meet the South-Western Railway at Armadale. From what he could gather, it was on this report the Government had decided the point of junction with the South-Western Railway. It was only fair, as the Premier intended to move the second reading of a Bill for the construction of a line from the Jandakot Area to Armadale, that these reports should be laid on the table so that members might know why Armadale was selected as against Mundijong. This had been a controversial matter for the past five years. There were members in the House who were strongly opposed to the report of the board, and he desired that members should know on what grounds the decision of the Government had been arrived at. The Government had sent responsible officers from the Lands, Works, Engineering, and Railway Departments to collect evidence so that expert information could be obtained. If the report were a secret one there would be some objection to its being laid on the table, but he would like members to be in possession of the report. We wanted to know the expert opinions contained in that report, and why Armadale was decided upon. He would not say which route he was in favour of, for he wished to see the report first.

THE PREMIER (Hon. N. J. Moore): There was no great objection to this report being laid on the table. The Government had already brought down a Bill, which had been read a first time, asking for power to construct a railway from Jandakot to Armadale, and it was usual on the second reading for all reports in connection with the construction of a railway to be brought down, and they would naturally be used as arguments for or against the construction of the line. As a rule these reports were considered confidential until that time.

MR. TAYLOR: If the Premier would bring down the reports simultaneously with the second reading, he would withdraw the motion.

THE PREMIER: The Government were prepared to lay all the reports on the table on the second reading of the Bill. The Government decided to leave the point of junction entirely to three responsible officers whom the Government considered competent to judge as to which portion of the South-Western Railway the connection should be made with. These officers were the Commissioner of Railways, the Engineer-in-Chief, and the Surveyor General. As a result of these officers' investigations a report which was brief and to the point was submitted to the Government, and it was decided in the interests of the people that the line should junction with the South-Western Railway at Armadale.

Motion by leave withdrawn.

MOTION—PERTH TRAMWAYS, THE COMPANY'S POWERS.

MR. G. TAYLOR (Mt. Margaret) moved—

That in view of the disregard of the convenience and interests of passengers shown in the existing regulations of the Perth Tramway Company, this House is of opinion that legislation should at once be introduced revising the powers conferred on the Company.

He said: I want at the outset to make clear to the House and to the State that I have no personal grievance against the tramway company. So far as I personally am concerned I have been put to very little inconvenience in regard to the new regulations and by-laws which have caused so much inconvenience to the citizens of Perth and the suburban areas. I also want to say that I have no intention in any way of passing any strictures on any of the employees of the tramway company, those whom the passengers

directly come in contact with, the motormen and the tram conductors. When one takes into consideration the number of people the officers daily meet at all hours, it is remarkable how courteous to the public they are and how vigilant they are in carrying out the regulations on behalf of their employers. I want to say this motion dealing with these new regulations is brought down from my experience in Perth in riding in the trams for something like six years. So far as I am personally concerned there would have been no necessity to bring forward this motion or to have adopted the new regulations which have so much harassed the citizens. I have ridden for six years on the trams and I have never yet been missed when the conductor was collecting fares. That speaks volumes for the vigilance of those officials who are acting on behalf of their company in collecting fares. I can only speak as any other person can speak, and I say that the regulation that has been brought down is in my opinion to protect the company from people travelling without paying fares. But I have never been missed, consequently I assume the same thing would apply to others, and I do not think this stringent regulation was necessary or that numbers of people ride without paying their fares. If so, I would have been one of them during a period of six years. During these years I have ridden on the trams I have seen people at the end of their journey ask for transfers, no matter what distance they had ridden. It was only when leaving the cars that transfers were issued, and the time of issue was punched on the ticket. The new regulation says, "You must on paying your fare ask for a transfer; if you do not ask for it at the moment you pay your fare, you are too late." The lateness, I presume, is caused on account of a ticket being given to the passenger by the conductor, and which the passenger has to hold until he gets off the tram as a proof that he has paid. If the ticket is pulled off the passenger is too late, because the ticket represents to the conductor that he has collected the fare. If the passenger asks for a transfer, he receives the transfer and no check. The public, after riding for years and asking for their transfers at the point of getting off, have not got accustomed to the new condition of things. Women and children are those who suffer the greatest inconvenience by this alteration, because these passengers have not time to read the regulations which are put up in the tram. In fact, it is hard to find the regulations, for almost all the space in the trams is utilised for advertising purposes. Some passengers have had to pay double fare in consequence of not knowing the regulation. The tram conductors cannot help it, for they have to carry out the regulations. In support of my argument that there is no necessity for this stringency on the part of the company, I wish to say that if the company were losing fares under the old system, there may have been some ground or reason for these by-laws being put into force. But this is not only my own opinion, for I will read a report published in the *West Australian* of the 6th April last, containing the speech of the chairman of directors of the Perth Tramways Company, at the shareholders' last annual meeting in London; and I desire to read this report for more reasons than one—not only because the report is ample proof, overwhelming testimony that there is no necessity for these arbitrary by-laws, but because this report has something to say with which I am pleased, and which I want every person in Western Australia to read, and also every person in any part of the world. The report speaks in such language that it should be known to every person as to the value of our agricultural lands, pointing out that the State of Western Australia presents exceptional opportunities for the investment of capital, notwithstanding all that has been said to the contrary. It even puts this State before Canada from an agricultural point of view, and urges that this State is languishing only from want of advertising. I desire the House to bear with me while I read the speech of Mr. A. H. P. Stoneham, chairman of directors, as follows:—[Extracts read from the report copied into the *West Australian* of 6th April, 1906, particularly the following passages, which Mr. Taylor emphasised.]

I wish to take this opportunity of congratulating you on being fellow-shareholders in such a prosperous and progressive concern. . . . As far as the current year is concerned,

I am glad to say that our traffic receipts again show an increase over last year; so I think we may safely look forward to a dividend on our ordinary shares again next year . . . . . My opinion is that Perth will become before many years as big and as prosperous a city as San Francisco. It stands in the same relation to Australia as San Francisco does to the United States. I have no doubt at all that Australia will become the most valuable possession of the British Empire, not excepting India, and I have no doubt at all that Perth will become as big a city as San Francisco. At the time I first began to take an interest in the city of Perth, the population was only 16,000, whereas the Perth Tramways in the year 1905 carried no fewer than 7,590,000 passengers, equivalent to upwards of 145,000 passengers each week. At the present time Perth owns a tramway system two-thirds as large as that owned by the London County Council—22 miles in Perth as against 30 in London. The Perth system pays well, which I understand is not the case in London; so from that point of view Perth is already more prosperous than London. I have always been a great believer in Australia, and I am to-day a greater believer than ever. Australia affords, to my mind, better chances to the investor than either Canada or South Africa, and moreover affords better chances to the emigrant; it has a better climate than Canada, and it has no race problem like South Africa. I am delighted to see that some of the Labour members of the present (British) Parliament have determined to visit Australia in the near future. If there had been preferential trading between England and Australia, the whole of the material for the Perth and Kalgoorlie tramways would have been shipped from England instead of from the United States, Germany, and Belguim. The cost of material alone in the construction of these two systems has amounted to at least £300,000, of which probably £200,000 was labour; but under the so-called blessings of freetrade, the contractor who built the tramways bought in the cheapest market and saved about £20,000 on their contracts, and the British working man lost £200,000 in wages. To my mind there is only one drawback that Australia labours under, and that is that so little is known about her resources and her capabilities as an agricultural country. Canada has been bountifully and judiciously advertised by the Canadian Government and the Canadian Pacific Railway, but Australia has not advertised her resources at all, and at this moment whilst there are thousands of able-bodied men unable to find employment in this country, there are millions of acres of the finest agricultural land in the world awaiting to be given away in Australia to anyone who will go out and till the soil. Australia wants advertising, and wants population, but even now it is very prosperous, and to mind affords much better chances for investment of capital than any of our possessions. I have been asked as to whether we have ever experienced any difficulty as to labour in Australia, and I say at once that we have never had the slightest trouble either at Perth or Kalgoorlie. The Australian working man asks and receives high wages—we pay 1s. per hour in Perth and 1s. 3d. per hour in Kalgoorlie; but we get good work in return, and we have no complaint to make. I think the Australians are quite justified in endeavouring to keep Australia as a white man's country. I beg to move (etc.)

On the face of that report there can be no necessity for the arbitrary regulations introduced by the local management of the tramways company. If the company were running at a loss, if the system of collecting the fares was such that it was impossible to collect all the fares, there might be some justification; but when we find none of these difficulties and that the business is paying handsomely, when we find the chairman of directors speaking in such high terms of our city and our country, the local management of the tramways is not justified in instituting by-laws and regulations which work such a hardship on passengers. When first I spoke on this subject, I was told by members of this House privately that the City Council had control of this business. I have looked up the Act of 1885 and the Act of 1897, giving power to construct the trams, and I find that they can only charge one fare for a single journey within the city boundaries; but we have had people before our courts for refusing to pay a double fare on a single journey since this system came into vogue, and we also find men before our courts for a breach of the regulations regarding transfers. The evidence showed in one case that the man was wet and cold, and finding that the car into which he was to transfer was not at the intersection, he walked along in the direction he was going, knowing that the car would catch him up at the next corner; but when he got on the car at the next corner the conductor would not accept his transfer as payment for the journey. As the man refused to pay another fare he was hauled up before the court and fined 1s. with I think 20s. costs, for walking portion of the journey the transfer was to cover. That is not fair. With all the evidence before me and with all the letters that have appeared in our papers, written by citizens who have told what they have suffered under these new regulations—which letters I could read to the House, but I do not desire to weary mem-

bers—I am justified in bringing forward this motion. I anxiously await a statement from the Premier as to who has power to control the tramway company. I find that they have no power to charge a double fare on a single journey except the power given them by the regulations they have themselves drawn up. This matter incensed the Perth City Council at the meeting held last Monday night. The *West Australian* on Tuesday morning gave a report of the proceedings of the council under the heading of "A Silly By-law." The report was as follows:—

Reference was made at last night's meeting of the City Council to the new regulations of the Perth Electric Tramways Ltd., which have been the subject of much correspondence in the columns of the *West Australian* of late. Cr. Allen asked the mayor what control the council had over the Perth Electric tramways. The Mayor: That is a large order. (Hear, hear.) I do not think we have much control over them.—Cr. Allen: Have we any control at all?—The Mayor: No.—Cr. Allen: They can do what they like?—The Mayor: Practically.—Cr. Mills: They are subject to the same regulations as ordinary hackney carriages.—Cr. Allen: You do not class them with hackney carriages, do you?—The Mayor: I presume Cr. Allen alludes to the new by-law introduced by the company, which seems to me to be a silly one, to the effect that if a passenger does not notify the conductor that he desires a transfer when he pays his fare, he is called upon to pay twice. I do not think we should allow this matter to drop.—Cr. Mills: May I remind you that I have a notice of motion on the subject?—At a later stage, Cr. Mills moved: "That the general purposes committee be requested to confer with the Perth Electric Tramways Limited, with a view to the removal of the inconvenience suffered by the citizens in the issue of transfer tickets under the new tramway regulations." He remarked that there was much dissatisfaction in the city at present owing to the new by-laws. The council would be prepared to protect the company in seeing that the company collected legitimate fares from its passengers, but the new regulations inadvertently, he thought, inflicted a good deal of hardship.—Cr. Allen seconded the motion. It would be well, he thought, if the company would also reconsider its decision with regard to the issue of children's tickets. He did not blame the company for endeavouring to protect itself, but the people were certainly deserving of more consideration than they were receiving at present.—The motion was carried.

We have it on the testimony of the mayor of the city council that they have no control over the tramway company. The question was actually put, "over the tramways." I suppose the tramways are controlled by the company. I do not know whether the mayor thought the question was not properly put, and the only conclusion I can arrive at is that the council have no control over the tramways, but they have control over the company. I do not know whether that is how the mayor is going to get out of his reply to Councillor Allen. It seems to me a way in which he can get out of it if he so desires, but I know that the general opinion is that the council have vested in them the power to draw up an agreement according to the Act and to arrange matters with the company. If they have failed to exercise that power, it is high time they used it. If they have the power and have neglected the interests of the citizens of Perth, it is time this Parliament took the power from the council and kept it in the hands of Parliament. Parliament would not allow the citizens of Perth and suburbs to be treated by the company as they have been treated since September of this year. I would like to hear the Premier on what control the council have. I have already mentioned my interpretation of the Act. I hope the Premier or the Attorney General will explain how the sections apply. I believe the council have the power to treat with the company and to regulate their toll. The Act says that the company cannot charge twice on a single journey, but they do it. If a person gets on at Thomas Street and is not careful, when he passes Barrack Street he has to pay another fare. I do not know whether that is right or not, but in my opinion the Act gives no power for the company to charge the extra fare. The wretched part of the thing is that if you do not ask for a transfer simultaneously with putting the money in the slot, the conductor in all probability in his hurry in tearing off the check ticket will neglect to give you the transfer, and you are too late to get a transfer. Getting a transfer entails no additional cost, for the transfer is to take you to a point within the city boundaries. The trouble is that if you do not get a transfer, and if you have to ride only another block you have to pay an extra 3d. If you go beyond the city boundary into a suburb you have to pay an additional penny, but if you fail to be

right on the spot in getting a transfer you have to pay an extra 3d. If this power has been vested in our city fathers and they have failed to look after the interests of the citizens, it is the duty of Parliament to bring down legislation taking the power from the city fathers and vesting it in Parliament. I am confident that the members for the metropolitan district will not stand their electors being used as they have been used. I suppose we will have these hon. members, who are more particularly concerned than I am, speaking on the subject. I have no feeling in the matter. I do not desire to cast any reflection on the conduct of any of the tramway officials I have come into contact with, that is the conductors and the motormen. I have heard that the newly-appointed ticket collectors have caused people a good deal of annoyance, but that has not occurred to myself; in fact I have had no difficulty in any way in regard to anybody connected with the Tramway Company; I do not know Mr. Somerset, the manager; so there is no feeling on my part in any way. No matter has come forward in which I have spoken and taken part in this House in which I have been freer from personal feeling than this matter affecting the interests of the citizens of Perth and the suburbs. I content myself with moving the motion.

MR. HOLMAN: I second the motion.

THE PREMIER: In view of the many legal points raised by the hon. member and the necessity to obtain advice from the Crown Law Department as to how far the Government can interfere in any of the matters brought under notice, I move that the debate be adjourned.

Motion passed, the debate adjourned.

MOTION—CONTRACTOR'S CLAIM, MR. J. MAHER.

MR. T. WALKER (Kanowna) moved—

That a select committee be appointed to inquire into the validity of the claims of John Maher for arrears in connection with a contract for the construction of a new wing to the Government Offices, Perth, in 1893.

This was an old claim, and sometimes age was a bar to a claim involving money; but this matter had been before the House in one form or another since the time of Mr. B. C. Wood. Mr. Wood, who was then a member of this House and who subsequently became a Cabinet Minister, took this case in hand, but he was prevented from proceeding with it by a ruling of the then Speaker, that the question having been introduced on petition, no request for a monetary claim could be made in that form. Subsequently Mr. J. M. Hopkins had the matter in hand; a definite promise was also made during the tenure of the Premiership by Mr. A. E. Morgans. Later on Mr. A. J. Diamond, then member for South Fremantle, moved for the appointment of a select committee, with what result he (Mr. Walker) had been unable to ascertain, though he understood the matter was shelved owing to the termination of the session. He had purposed originally introducing this matter by way of a petition, but in view of the ruling of a previous Speaker, he had decided after taking counsel with the Clerk to move directly for a select committee. It was necessary, however, in order that members might be seized of the facts, that he should read the petition. [The form of petition read, the main portions being as follow.]

1. That in the year 1892 your petitioner was the successful tenderer for the construction of the new wing of the Government Offices, Perth.

2. That the person primarily appointed to supervise on behalf of the Government the construction of the said work was Mr. Lambert.

3. That the said supervisor from time to time approved and passed the material to be used in the construction of the said work, and after the said material had been hoisted to the scaffolding, and in a number of cases erected, the said supervisor condemned the same, necessitating the taking down and lowering of the said material and the re-erection of the said work.

4. That owing to the conduct of the said supervisor in that respect your petitioner found that he was suffering delay and was being put to great pecuniary loss, and in consequence thereof he caused an inquiry to be held into the circumstances by the then Executive Engineer, when the said supervisor was removed from the supervision of the said work and Mr. L. H. Duval was appointed supervisor in his place.

5. That your petitioner continued to carry on the said work and completed the same under the supervision of the said Mr. Duval, and no material or work was complained of, condemned, or rejected under his supervision.

6. That by reason of the conduct of the said supervisor Lambert your petitioner suffered a pecuniary loss, amounting to £1,694 17s.

7. That your petitioner made a claim for the payment of the said sum in his account rendered in connection with the said contract, but such claim was disallowed by the said Engineer-in-Chief, who refused to give a certificate for payment of the said sum in accordance with the terms of the said contract, and in consequence thereof the said sum still remains wholly unpaid.

8. That your petitioner, although requested so to do in terms of Clause 28 subclause 5 of the said contract, has never given a release to the Crown that all claims and demands under the said contract have been settled and discharged.

9. That your petitioner carried on the said contract and completed the said work in a faithful and workmanlike manner, relying upon the removal of the said Supervisor Lambert and the result of the said inquiry as a justification for his being reimbursed for the pecuniary loss he had sustained by reason of the conduct of the said Supervisor Lambert.

The House would not want to hear all the details of the inquiry held into the conduct of Supervisor Lambert; but the Minister whose department was affected would admit that an exhaustive inquiry was held, and that it was found that the claimant Maher did suffer loss in consequence of the contradictory orders given by Lambert. That loss had been calculated at £1,600, though other matters in dispute brought the total to over £5,000; and the Engineer-in-chief was chosen to check the accounts, and after a long period he issued an award in which he allowed Maher's claim in respect of the £5,000 claimed, and in respect to the claim for £1,600 he granted Maher permission to appeal to Parliament on the point.

The Minister for Works: In a minute left by the late Mr. C. Y. O'Connor, he disputed that he had ever granted such permission.

Mr. WALKER: Mr. O'Connor might have done that, but it was one of the points which should be referred to the select committee. Naturally there must be questions in dispute; otherwise no Government would have allowed the matter to have remained unsettled for such a lengthy period.

The Minister for Works: That was a very material point, because if Mr. O'Connor did grant that permission, such permission would establish Maher's right to make a claim.

Mr. WALKER: There was some evidence on the point which could be put before the committee, but which obviously he could not adduce at this stage. Mr. C. J. Moran had been clerk of works on that contract; and the reason why he had never moved in the matter was not because of any fear that Maher's claim was not a just one, but simply because in any inquiry into the matters in dispute Mr. Moran would necessarily be an important witness. A diary was kept at the time, and would be produced to the committee; and while the record therein might differ from that of Mr. O'Connor, this was one of the matters for inquiry, and Mr. Moran's evidence would in this connection be invaluable. The claim had not been hung up through any neglect on the part of Mr. Maher. He was a New Zealander, and the papers contained a copy of a petition presented to the New Zealand Parliament by the firm of McLean & Son, contractors, whose case was almost similar to this. Mr. Seddon, late Premier of New Zealand, also the Speaker of the New Zealand Assembly, advised Mr. Maher to take in this State the course taken there; hence Mr. Maher had asked him (Mr. Walker) to present a petition. That, however, would have been out of order. This was an outstanding claim, not disproved, but more or less favourably considered by Premiers and members of the House; by Mr. B. C. Wood, Mr. Diamond, Mr. Hopkins, and Mr. Morgans; probably the Deputy Speaker (Mr. Illingworth) also knew something of the case. Mr. Maher had been striving to find a legitimate means of prosecuting his claim. He had been a large contractor here and in New Zealand, and this was the only dispute in which he had ever been involved. After Lambert was found guilty, Mr. Maher was on good terms with the department. It would be hard if he were made the victim of the whims or eccentricities of Lambert, and were to suffer pecuniary loss in addition to the worry involved. Apparently the late Engineer-in-Chief denied the validity of the claim for £1,600, but did not deny

there was a just claim of some sort. Mr. Maher's written statement said:—"In the Chief Engineer's award he disallowed the item of £360 for 14 months' salary to me, although he allowed my clerk salary for the time." Not disputing Mr. O'Connor's honesty, might there not have been a slight error of judgment here? "In connection with the matter I was put to legal expenses of about £163." The bill was here. "The conditions of the contract are on similar lines to those of the New Zealand contract, where McLean & Son of Auckland secured a commission for a similar cause to my petition. I was requested by the Public Works Department to furnish a final discharge for the contract. I refused to give a final receipt, on the score that I considered I was entitled to the sum of £1,694 17s. for loss sustained by me through the unfair tactics of Supervisor Lambert, as proved by the result of the inquiry into my charges, which I maintain entitles me to the amount." Mr. Maher felt that the amount was still owing. No clean receipt for the contract price was in possession of the Government. This bare statement of the case would not sufficiently convey an idea of the voluminous evidence, not only documentary but oral, which would be forthcoming.

MR. J. B. HOLMAN (Murchison) seconded the motion.

THE MINISTER FOR WORKS (Hon. J. Price) moved that the debate be adjourned until next Wednesday.

MR. WALKER: That would be a Government night.

THE MINISTER FOR WORKS: In all probability an opportunity could be given for reaching the motion in due time.

Motion passed, the debate adjourned.

MOTION—RAILWAYS CONTROL BY A MINISTER.

Debate resumed from the 10th October, on the motion by Mr. Ewing to revert to Ministerial control of the railway system.

THE MINISTER FOR WORKS (Hon. J. Price): I did not wish to intervene in this dispute, and should not have done so but for the fact that the member for Guildford (Mr. Johnson) put before the House his views on railway matters, and particularly the matter of the railway station alterations at Fremantle. So far as I can understand, and I shall endeavour to put the facts briefly, there appears to be no doubt that the member for Guildford, when Minister for Railways, approved of the construction of the new building before any work was commenced. There does not appear to be any record that this particular matter was brought before Cabinet. I think the hon. member has himself admitted he knew of the existence of two sets of plans for carrying out this alteration—one set designed by the railway authorities, the other designed by the present Engineer-in-Chief, Mr. Thompson. Those plans differed very materially as to the area required for the station yard; in fact, I think I am correct in saying that Mr. Thompson's plans would have allowed the resumption of all the land between Market Street and Cliff Street, with the exception of a strip required for the Jandakot line to run through; and thus the State would have benefited to the extent of some £80,000, that being the value of this area for the purpose of sale or of leasing. Although the hon. member knew that these two sets of plans existed, he does not appear, so far as one can see by documentary evidence, to have made any effort to bring into consultation the gentlemen by whom they were prepared. I submit that in this matter Mr. Thompson's plans were well worthy of consideration. As an officer, he has had considerable experience in railway construction, and while I am not prepared to say his arrangements for the station alterations were better than those of the railway officials, I say, in view of the great saving Mr. Thompson's plans showed, it was the duty of the Minister to see that the two officers were brought into consultation, and to have seen before the work started that the better set of plans was adopted and the work carried out on the lines therein suggested. The hon. member said this was a very difficult matter to do; but I submit that the member had one effective method of bringing this about, for it was within his power to have stopped all supplies until a consultation between these two officers was brought about.

Mr. Johnson: After Parliament had voted the money?

The MINISTER FOR WORKS: The plans were afterwards altered, and there was no reason why Mr. Thompson's scheme, if shown to be the better one, should not have been adopted before we were committed to the expenditure.

Mr. Johnson: You said I should have stopped supplies after Parliament granted the money. Would the Minister be justified in stopping supplies?

The MINISTER FOR WORKS: If a Minister is justified in stopping a probable loss of £80,000 to the State owing to the adoption of a certain set of plans, he would be justified in stopping the work until such consultation was brought about. [Mr. Johnson interjected.] Had Mr. Thompson's plans been adopted, there would have been lands which could have been leased or let, and which have since been valued by Mr. Stronach at £94,000. That is the position apart from the probable monetary loss and the inconvenience to which those individuals who have to use the Fremantle quay have been subjected. The fact that all traffic, which is of a considerable nature, has to pass through Cliff Street is another serious item indeed. The member referred to this matter, I think. Seeing, as I have said, that I have already commented freely on the case previously, it was only due to the member that I should say in the House what I have said outside. I trust the member will be able to offer a satisfactory explanation of what seems to me to be an awkward set of facts in connection with this particular matter.

Mr. Johnson: Why did you not deal with the expenditure of loan moneys?

Mr. M. F. TROY (Mt. Magnet): My remarks will be very brief, but I do not like the motion to go without expressing my opinion on this very important question. What I wish to say is that it is my intention to vote for the motion moved by the member for Collie, because I am of opinion this State would receive greater services from the railways if we reverted to Ministerial control. Again, I hold the opinion strongly that a Minister should control every department. A Minister can never be a Minister in any real sense of the word if he has not absolute power over a department, and unless he can control that department. At the present time, in connection with the various departments the Minister has the responsibility without the power. He is taken to task if the department is not conducted properly, whereas he has not power to bring about a better state of affairs. Because I want to see the Minister have power to put departments in order and to see a Minister in the real sense of the word, I intend to vote for the motion and for any motion that will allow the affairs of State to revert to Ministerial control. I have every pleasure in supporting the motion.

Mr. EWING (in reply as mover): If no other member wishes to speak, I should like briefly to reply, and in doing so I would like to say distinctly that during my previous remarks I endeavoured to keep away from matters of a personal character. Several members in the House, when I had concluded my remarks in moving the motion, said they were pleased that I did not reflect in any shape or form on the present Commissioner. In connection with these remarks the Minister himself, when speaking to the motion, said that so far as I was concerned it seemed my speech was more an attack on the Commissioner than upon the commissioner control of the railways. The member for Guildford took up a somewhat similar attitude, and seemed to think, or inferred, that I was not sincere in my desire to do away with the commissioner control and revert to Ministerial control. As far as my remarks were concerned they were not directed against the present Commissioner. I have had occasion in the House to criticise the policy of the Commissioner and the policy of other officers connected with the Railway Department, but I have endeavoured to keep away from the personal aspect and to deal with these officers in regard to their administration only. I do not think it is necessary to go farther into the question, except to state most emphatically that the only reason I quoted figures at all in connection with the motion was to show that during the period we had Ministerial control of our railways, as far as the financial position was concerned, it was just as good as it is at the present time. The member for Guildford in

speaking the other night mentioned the position that obtains at present in New Zealand. I had hoped on that occasion he would have gone more deeply into the question.

MR. JOHNSON: I was afraid of speaking too long or I would have liked to.

MR. EWING: The member spoke on a very important subject, and showed that in New Zealand in 1887 they established commissioner control of the railways, and after a period of eight years, in 1895, they again considered the question, and if any member will take the opportunity of reading the debates on that occasion he will find the position in New Zealand, on reverting to Ministerial control in 1895, was practically the position that obtains in Western Australia to-day. It is a pleasing fact to be able to state that the railways of New Zealand, under Ministerial control, are a great success to-day. I think that is almost a guarantee that with similar management, and I suppose similar conditions obtain here as in New Zealand, if we revert to Ministerial control we shall have as good a record as they have in New Zealand now. I do not want to go deeply into figures, but there are one or two sets of figures that it is necessary to place before the House to show that as far as the Railway Department in Western Australia is concerned it is not in that position that I would like to see it. In the different States of Australia, the railways are controlled by a commissioner or commissioners, excepting Tasmania and the Colony of New Zealand. By the figures we find the working expenses last year, that is for 1905, were as follow:—Queensland, 57·6; South Australia, 57·86; Victoria, 59·17; New South Wales, 59·8; New Zealand, under Ministerial control 67·58; also Tasmania, 70·46; in Western Australia, 78·01. We must all admit that the only way in which we can come to a conclusion as to whether railways are economically managed or otherwise is the percentage of earnings absorbed in the working of the railways.

THE MINISTER FOR MINES: And the different conditions.

MR. EWING: We always have the argument of the different conditions brought up, but I do not think the conditions in New Zealand and Western Australia or Queensland are very different. It is a significant fact that another way in which you can gauge the success or non-success, as far as the administration of the railways is concerned, is the cost per train mile. Let us see what that cost in the various States is, and in the Colony of New Zealand, to run a train per mile. In Queensland, in 1905 the cost was 3s. 3¾d.; Tasmania, 3s. 7½d. South Australia, 3s. 10½d.; New South Wales, 4s. 2¼d.; Victoria, 4s. 8¼d.; New Zealand, 4s. 10½d.; Western Australia in 1905, 5s. 10d. In our own State we have the Midland Railway operating but I do not argue the conditions are the same. The cost per train mile was 3s. 2d. If we follow somewhat more closely these figures we shall see what an enormous bearing they have on the industries of the State. I may say if we work out the train mileage in Queensland for 1905 we shall find by the figures I quoted that in Queensland they ran 4,978,000 train miles at a cost of £814,743; while in Western Australia for the same year we ran 4,285,235 miles at a cost of £1,256,003. From these figures it will be seen that in Queensland they ran 623,546 more train miles at a less cost of £441,216, that means that they ran over 600,000 train miles more than we did in Western Australia and for nearly half a million less. I do not profess to be a railway expert, but I say, although the member for Guildford did not go into figures, it is necessary for some member to go into figures, and although not a railway expert one can see there is a very great difference in the cost of running a train mile in Queensland and in Western Australia, which is a matter for the serious consideration of the House. Take New Zealand in 1905 they ran 6,107,000 train miles at a cost of £1,493,000. I have just quoted the cost in Western Australia, but I have worked out what would be the effect here if we had run our trains on the same train mileage cost as in New Zealand. There would have been a difference to Western Australia for the last year of no less than £208,000. We have great necessity at the present time, which is recognised by the Government themselves, for reducing the freights all round. The Government have already carried out part of their policy in reducing the timber freights, and it is not to

be supposed that the people on the Eastern Goldfields and those connected with other industries will remain silent and be satisfied if no reduction is made in their districts, for if a reduction is given to one industry and is not given in another it will be asked for by every other industry and by the people living in other parts of the State. If we could have conducted our railway system on the same basis as the railways of Queensland—and I can see no reason for such a tremendous difference in the cost of working of the two systems—we would have saved £200,000 on last year's operations. The position in Western Australia to-day is that if we were now £200,000 better off, we would be able to pay the working costs of our railways, besides interest and sinking fund, and still have £100,000 to the good. If we could have that £100,000 for the purpose of lessening the freights on our timber and agricultural products, or in helping those who are living on the goldfields, what a magnificient position we would now be placed in! I think those figures are worthy of great consideration and attention, not only in this House but from every person in the country. It is not possible for me to say what the reason for this excessive cost is, for I do not profess to have gone so far into railway matters as to be able to analyse such a subject at a moment's notice; but the figures cannot be questioned, and we have therefore to ask ourselves where there is this great difference of £200,000 in the cost of working two practically similar railway systems. I do not think it necessary to go into farther figures; but I desire to draw the attention of members to these facts and then to ask them to decide for themselves. My idea in quoting figures was not to compare our present Commissioner of Railways unfavourably with any one who has previously managed our railways; but merely to show the House, if possible, that under Ministerial control the railways were in quite as good a position as that which now obtains under commissioner control. Hence it was necessary that the arguments used and figures quoted by me and those who are in sympathy with me in this motion should show that we would suffer no loss financially by having Ministerial control. Many matters have been introduced in this debate with regard to the administration of railways and the using of loan moneys, especially in regard to the duplication of the railway system. Exception has been taken to a system which has been in vogue under which the Commissioner has expended large sums of loan moneys without such expenditure having first received proper consideration by the heads of the department, and without being first submitted to the full and careful consideration of this House.

THE MINISTER FOR RAILWAYS: Is that not a question entirely outside the motion?

MR. EWING: Perhaps it does not come within the motion; but it has been brought into the debate, and I claim the privilege of dealing with it. In my opinion, whether the duplication of the line to Armadale was right or wrong—[MEMBER: Absolutely wrong]—a work like the duplication from Midland Junction to Wooroloo and towards Northam, or any large works of this character, should certainly be brought before this House and receive consideration before the expenditure is incurred. I fully recognise that with a gentleman in the position of Commissioner, or even if he were general manager, it would sometimes be necessary for him to be able to expend a certain sum without requiring to refer the matter to the Minister. But large matters, practically involving questions of policy and a large expenditure of money such as was entailed in this particular work I have referred to, should have the consideration of members of this House. Therefore I think if we had Ministerial control, the Minister being more in touch with the railway system, members also would be in closer touch, because the Minister could from time time explain to the House the necessity for any expenditure in this connection. I do not desire to detain the House at this juncture, for no doubt members have already decided whether it is in the best interests of the State that we should continue the present system of commissioner control or should revert to Ministerial control. It was stated that there is plenty of time in which to decide this question; but I say there is no time like the present. Members recognise, notwithstanding what the *West Australian* said the other day that

we have two years in which to consider this question, that we have nothing of the kind. We have to deal with the matter within the next five months: in that time we must decide whether the present Commissioner is to be reappointed, whether we are to have three Commissioners, or whether we are to revert to Ministerial control.

MR. JOHNSON: This is the only opportunity Parliament will have of deciding.

MR. EWING: The only opportunity. And I brought forward this motion with the sincere desire, not of embarrassing the Government in any shape or form, but of providing an opportunity for discussing this question in order that the Government, before taking any action, might have before them the wishes and desire of members of this House.

MR. BOLTON: Do you consider that if this motion is not carried, that will give the Government the right to renew the present appointment?

MR. EWING: No. That interjection has reminded me of the fact that the Minister, in the early part of his speech on this motion, said that so far as he was personally concerned he was not in favour of the single commissioner system, but favoured three commissioners.

MEMBER: That would be worse than ever.

MR. EWING: That is a matter of opinion. However, that shows how necessary it is for an opportunity to be given members to give expression to their opinions on this subject, so that a majority of this House may intimate to the Government the direction in which it is desired the Government should move in the matter. I hope sincerely that this resolution will be carried; and I wish members to disabuse their minds entirely of any idea that in moving this motion I am in any way antagonistic to the present Commissioner of Railways, or that I was not sincere in presenting this motion for the consideration of the House. I consider that Ministerial control of the railways is absolutely necessary in Western Australia at the present time. We have a large tract of country to develop and large industries to establish; and as we have to give earnest consideration to the question of the assistance to be given to those industries, would it not be better that the railways should be under Ministerial control rather than that of a Commissioner who would naturally be opposed to any reductions of freights? There is no doubt whatever that in connection with the recent reduction which has been made in freights on timber, which I in common with other members think was justified, the present Commissioner was opposed to any reduction whatever. I can show by the Commissioner's evidence before the Royal Commission that his desire was rather to raise the freights, in order that the railways might show a splendid result on the working. I readily admit that such is not the policy of the present Government, and that we have much to thank the Government for in what they have already done in the direction of reducing the freights to help the timber industry to work successfully in our State. At the same time the necessity rests upon us to place the control of the railways in the hands of the Minister, in order that he may be in a position to give relief to any industry when he considers such a course necessary. The Commissioner should no longer fill that position, but should be created general manager of railways and have full control of the working. But the policy of the railways, in order that it may be directed in the best interests of the State, must be in the hands of a responsible Minister. There is one other matter to which I will refer before I conclude. The only objection raised to the motion either by the Minister or anyone else was that the danger of political influence was the great stumbling-block to our reverting to Ministerial control of the railways; that some members might go to the Minister and say that he should not dismiss this man or that man, and that we as members of Parliament were too prone to interfere in matters in which we should not interfere. But the Minister would be in such a position that he should be able to make up his mind and let members know once and for all that political influence would not be allowed. In connection with the railway men—and this is the whole objection to my motion—it has to be remembered that they have a board whose business is to decide on their grievances; and it is not necessary for the Minister to interfere. The board can punish a man if he does wrong, or can

put him back in his position if he has been wrongly dismissed. There is therefore nothing in the objection as to undue influence, so far as the men are concerned. I hope members will give a vote to-night that will be a direction to the Government that in the opinion of this House Ministerial control of the railways will be in the best interests of this State for some years to come.

THE MINISTER FOR RAILWAYS (Hon. H. Gregory): Before the question is put, I hope I may be permitted to make one statement. As members are doubtless aware, the present Commissioner was appointed for five years; but under the terms of his appointment the Commissioner, at the end of the five years, is entitled (in the event of the appointment not being renewed) to twelve months' leave of absence. Of coure I am aware that arrangements could be made of a temporary character, if such were necessary; but seeing that the present Commissioner's term of office has nearly twelve months still to run, I have already advised the Government that in my opinion it would be unwise to enter into any new engagements or to decide as to our future policy so far ahead.

MR. JOHNSON: But it is absolutely necessary that you should make provision before next July.

THE MINISTER: I merely desire now to make a promise. I told the House the other night what my private opinion was with regard to commissioner control, and I informed the House that the Government had not yet come to a decision on the point whether we should have one commissioner or three. I wish members to understand that the Government will not enter into any fresh engagement in this matter without having first consulted the House; not because we are anxious to escape responsibility in the matter, for we know what our responsibilities are, but because we think that before any change is made, full opportunity should be given to this House to discuss the question before anything is decided upon. We may probably ask the Commissioner to continue in the office pending a decision; but we will not make any engagement, nor will we appoint three commissioners or in any other way change the present system of control until Parliament has had an opportunity of discussing the question. I thought it advisable to make that promise here to-night, before this question was finally decided by the vote of this House.

MR. WALKER: I desire to ask the Minister, are we correct in understanding from what he has said that the Government has practically decided to have three commissioners?

THE MINISTER: No.

MR. WALKER: It is an entirely open question?

THE MINISTER: Yes.

MR. SCADDAN: This is only a red-herring.

MR. HORAN: Do I understand that the Government propose to introduce an amendment of the Railways Act before anything else is done in this matter?

THE MINISTER: The Railways Act does not deal with the appointment of the Commissioner. I have already told the House that Parliament will have full opportunity for dealing with the subject.

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

Ayes	...	...	14
Noes	...	...	21
Majority against		...	7

AYES.	NOES.
Mr. Bolton	Mr. Barnett
Mr. Butcher	Mr. Brebber
Mr. Ewing	Mr. Brown
Mr. Gull	Mr. Carson
Mr. Holman	Mr. Cowcher
Mr. Horan	Mr. Daglish
Mr. Johnson	Mr. Davies
Mr. Scaddan	Mr. Eddy
Mr. Taylor	Mr. Gordon
Mr. Underwood	Mr. Gregory
Mr. Walker	Mr. Hardwick
Mr. Ware	Mr. Hayward
Mr. A. J. Wilson	Mr. Heitmann
Mr. Troy (*Teller*).	Mr. Keenan
	Mr. McLarty
	Mr. Male
	Mr. N. J. Moore
	Mr. S. F. Moore
	Mr. Price
	Mr. Stone
	Mr. Layman (*Teller*).

Question thus negatived.

At 6·34, the DEPUTY SPEAKER left the Chair.

At 7·30, Chair resumed.

BILL—CONTRACTORS AND WORKMEN'S LIEN.

IN COMMITTEE.

MR. H. BROWN in the Chair, MR. DAGLISH in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Lien upon land and chattels for labour:

THE ATTORNEY GENERAL: What would be the position of the contractor entering into a contract and not discharging the legal liabilities of the contract? While it was eminently desirable to protect the workmen who had no part in making the contract, it might be that the parties to the contract had legal rights which would allow a remedy by way of a setoff the one to the other. If the contractor failed to discharge the legal liabilities under the contract, the employer, defined as the other party to the contract, had a setoff against the contractor. Under this Bill the contractor could evade that setoff by abstaining from paying part of the debts due by him, and allowing a lien to be registered in respect of those debts over moneys coming to him from the contract. Supposing there was a penalty attached to the contract for not fulfilling the contract within a specified period. Then, if the contractor neglected to pay the workmen and allowed the men to serve notice of claim on the employer and obtain the full contract price (because no provision was made allowing the employer to retain any portion of the contract money), how would the employer obtain redress for the failure to fulfill the contract, namely the penalty provided in the contract? By all means let us protect the worker; but the contractor and the employer were the two principals, both being equally aware of the full extent of the contract, and we should not, without careful knowledge of the operation of this Bill, consent to a measure which would interfere between the rights of these principals. The hon. member might make this form of legislation apply to contracts exceeding only a certain amount, because in such contracts both parties to the contract would protect themselves, each by the employment of a surveyor or an architect; but there were small contracts of a few hundred pounds where the employer could not employ an overseer, and probably did not see the building until it was completed. In that case we gave one of the contracting parties a distinct and unfair advantage over the other. The object of protecting the workmen could be achieved without that. We could protect the workmen to the full extent of their wages without interfering with the rights of the two contracting parties.

MR. DAGLISH failed to understand the difficulty the hon. member saw. The hon. member said that the penalty clause of a contract might conflict with any claim in the shape of a lien that the workmen had under the provisions of this clause of the Bill. He was willing to admit that under the clause a wages claim would require to be satisfied before any penalty claim was met. Had the Attorney General given consideration to the point, he would not have raised his objection, for the lien could only be up to the amount of the contract.

THE ATTORNEY GENERAL: Where was that expressed in the Bill?

MR. DAGLISH: It was expressly provided in the Bill. Provision was also made for the reference of any matters in dispute in this connection to the Supreme Court, and surely the court could be entrusted with the equitable settlement of such disputes. He desired to know exactly what it was the Attorney General feared from the operation of the Bill. A similar Act had been in operation in New Zealand for twelve years, and worked admirably. That Act had not been passed hurriedly; it received careful consideration for two years, and finally was referred to a special committee, with the result that after the Act came into operation, no necessity for its revision or amendment occurred. This clause was an attempt to protect the honest contractor, the honest employer, or the honest workman equally against possible fraud by either or both the other parties to the contract. Surely the Attorney General was not opposing the Bill simply because it was not a Government measure.

THE ATTORNEY GENERAL regretted that such a sentiment had been voiced, especially since he had already assured the hon. member privately that he had no intention of opposing the Bill. He had, however, failed to thoroughly

grasp the meaning of the Bill, and had raised his point so that the Committee might grasp the meaning of the clause and decide how far it included principles which ought to be adopted, or to what extent the Bill required amendment.

MR. DAGLISH: Would the Attorney General state in clear words his objection to the clause? A Bill to protect the wages of workmen should commend itself to the Attorney General and to the Committee.

THE ATTORNEY GENERAL: There could be no question about such a measure commending itself to members. It was the general desire of members to protect the wages of workmen, because a workman had little opportunity of protecting himself. But a much more simple measure for arriving at that end could have been framed. The Bill went much farther than that and interfered with rights established under common law of two contracting parties who were well able to protect themselves, the contractor and the employer. In a question of fraud, the workman might be entirely left out of consideration, for all to which he could possibly be entitled was the amount of his wages for work done, and in connection with that there could be no fraud. But the Bill, instead of preventing fraud on the part of a contractor, provided an easy means for the perpetration of fraud. The unpaid balance of a contract was an assignable interest, because it was subject to lien, which might be in the form provided in the Bill or in some other form. The Bill provided a particular lien in case of the neglect of the contractor to satisfy debts due by him to persons working on the contract. If the contractor only partially met his liabilities, the only amount of lien would be the balance due by him. But if the contractor were fraudulent he would not satisfy the claims, and the creditors, knowing that a balance was due to the contractor, would be satisfied with the lien given them by this Bill. Thus the contractor could avoid the legal liability which he would otherwise have to satisfy, for if there were no Lien Act in force every one of his creditors would have a right of action against him, and under the Masters and Servants Act each workman could get a judgment, to be recovered by distress, and in default of distress imprisonment. True the employer would have a right of action against the contractor; but of what use would that be if the contractor were without resources? The workmen only should be protected. The employer and the contractor could protect themselves. In a few clauses we should provide that every workman employed by a contractor and not paid his wages when due, should immediately have the right to serve notice on the employer requiring him to withhold all sums due to the contractor until the workman could obtain judgment and attach the amount of the judgment. If the Bill sought to protect workmen's wages only, it was unnecessarily complex. A case had not been made out for protecting the contractor and the employer, who made an agreement with their eyes open, generally after taking advice. He would not press his objections to the Bill, but must explain complications to which it might give rise.

MR. DAGLISH hoped that all members did not intend to deliver second-reading speeches on Clause 3, else the Bill could not pass this session. The Attorney General's speech did not touch the clause. If he would raise specific objections to the clauses, his remarks would be replied to; but his speech was utterly irrelevant. The Minister should not use the forms of the House to defeat a Bill with which he was not personally in sympathy.

MR. TAYLOR: The Attorney General argued that the Bill, instead of simplifying the law of contracts, would make it more complex, and that a simpler Bill would have met the case; yet the Bill had for twelve years been law in another State, and this clause had not during that period involved additional litigation. Some four years ago Mr. Speed, a barrister, when a member of the Legislative Council of this State, brought in a similar Bill. This clause defined the extent of the lien, and how it affected the employer, the contractor, and the workman.

MR. BREBBER: The clause did not protect a contractor who might find he had erected a building on ground to which the contractee had not a clear title. There were cases in which such a contractor had no recourse against the real owner. The words "subject to all just claims by the owner" might be added at the end of

Subclause 4. The contractor might overdraw against an employer. Having done so, and having failed to pay his subcontractor or workmen, these persons had a claim against the owner to the full amount of the contract. In that case the owner might have to pay more than the improvements were worth.

MR. FOULKES: No doubt the workmen did require protection for their wages. This Bill not only affected the workmen, but contractors and other people engaged on contracts, and often these people had claims which came in conflict with one another, involving a considerable amount of litigation. The clause required careful consideration. The member for Subiaco thought there were only three classes of people who required protection, the workmen, the subcontractor, and the contractor; but there was another large body of people who required protection, those who supplied the contractors with the goods to carry out their contracts. He suggested that the clause might be postponed for farther consideration.

MR. DAGLISH: This Bill had been in the hands of members for eight weeks, and it was unreasonable to ask after that length of time for a postponement, but if a postponement was *bona fide* required he was anxious to meet the wishes of the Committee, so long as the postponement was not asked for with the object of defeating the Bill. The member for Claremont was desirous of giving the people who supplied the material to contractors security that people supplying goods to other consumers did not possess. A business man, before giving credit, satisfied himself that he was taking a good business risk. If we were to have no bad debts it would have to be done by abolishing the credit system. It was to be hoped members would discuss the clause on the merits it contained and not object to it on the ground of what was not in it. No attempt had been made before to legislate on the lines of Clause 3 of this Bill. While Subclause 3 went a certain distance, it did not go as far as it ought. Every progressive clause in any Bill was objected to on the same ground, that whilst it was good as far as it went, it did not go far enough. This objection was raised by members who had never attempted to cover the ground which the Bill covered. In regard to the point raised by the member for North Perth (Mr. Brebber), he pointed out that the employer was protected not only under Subclause 4, but also under Clause 12. The former limited the liability to the amount payable under the contract, while the latter clause provided that any employer who *bona fide* had once discharged a liability under the contract was protected, even though the money were diverted by the person receiving it from the purpose for which it was intended. The Attorney General took the point that while the Committee did right in amply protecting the workmen, when similar action was taken for the protection of the employer or the contractor the Committee was doing something entirely unwarranted. That was class advocacy of a character which, if it had been used by any member on the Opposition side, would have been met with a howl of indignation from Government supporters. If, as suggested by the member for Claremont, the Bill were not sufficiently stringent to attain the object sought, he would not object to its provisions being made more stringent. The Attorney General had quoted suppositious cases in opposition to the Bill; but he had not quoted a single instance in which the Act had worked injustice in New Zealand. The Act had worked well in that colony. It was drafted by Sir Samuel Griffith.

THE ATTORNEY GENERAL: The member introducing the Bill was somewhat unfair in describing certain remarks as a "second-reading speech." The hon. member was under the impression that no previous attempt had been made to legislate for the protection of workmen's wages.

MR. DAGLISH had not said so. If the Attorney General had read the Bill, he would have seen that he (Mr. Daglish) could not have expressed such an opinion.

THE ATTORNEY GENERAL: It was extraordinary how easily one could misunderstand some hon. members, even when one took the precaution of writing down the words just as they were used. The relationship between those who supplied material to a contractor and the relationships affected by this Bill were very different. The relations between a contractor and the workmen, who were

concerned in no way with the contract except to the extent of the wages for their labour—[Mr. Daglish: And who were not protected except to that extent] —were totally different from others, such as those of the man who supplied timber or other goods for carrying out the contract. If the protection sought to be afforded by the Bill were expanded and made to apply to the contractor and the employer as well as to the workmen, then it became an interference with the rights of two contracting parties. The Bill should stop at the protection of the workmen. The case cited by the member for North Perth was that a contractor might perform a contract for the ostensible owner of certain land, and find out on the completion of the contract that the land belonged to some entirely different person, in which case he would have no claim on the actual owner for the work done. But any contractor who would carry out a contract without first ascertaining (under the simple procedure obtaining) who was the actual owner, was such a colossal fool that it would be impossible to invent any legislation which would protect him. This Bill in no way protected such contractor, because a lien created under the Bill attached itself only to the interest of the employer in the land; and if the employer had no interest in the land, what did the lien attach to? It was true that in Clause 4 an owner standing by was liable if consent was given in writing; but if consent was not given in writing he was not liable. Members had apparently lost sight of the fact that by far the largest employer in the State was the State itself; therefore the greatest possible care should be taken to see that a Bill of this character did not place the State in a false position. In Subclause 4 the total liability of the employer in respect of such liens, except in the case of fraud, was not to exceed the contract price payable under the contract. Thus the amount of the liens reached the contract price unless fraud was proved. Ministers of the Crown were aware that there was nothing more frequent than disputes between the State and contractors. Frequently large sums of the people's money were dependent upon the State being able to vindicate its position; but if we gave power to the contractor to charge the full amount of the contract price, the State would have its hands tied. The contractor would have an easy means of getting the full amount of the contract by giving a lien for the full amount of the contract price, which the State must recognise. If we did not make provision whereby in no case should the lien be exercised unless it could be shown that the workmen had exercised their rights against their immediate employer, the contractor, and had not been able to satisfy them, where the State came into collision with the contractor we left it in the hands of the contractor to avoid payment of his workmen by assuring them they could realise all they wanted by a lien on the unpaid portion of the contract, though at the same time the State might have the best of cases against the contractor in respect of that unpaid portion of the contract price. Of course the State had a remedy against the contractor, but the money was gone and the contractor had every opportunity of defeating any claim that might be made against him by the State. The measure had not been thought out in all its bearings. True, it was the law in New Zealand, but it was peculiar that no single State of the Commonwealth had seen fit to follow the example of New Zealand. He could not say whether the result of the measure in New Zealand was good, bad, or indifferent, but it was peculiar, as pointed out, that no single State of the Commonwealth had seen fit to follow New Zealand in adopting this form of legislation. That should put us on our guard. Legislation in surrounding circumstances might appear to produce no ill-effects in one State, but which in another case might be most painful. This measure was capable of producing results the hon. member never dreamed of. If the hon. member introducing the Bill had realised the possibilities of the measure in placing disabilities on parties, not parties to any fraud but might be victims of it, defined in the Bill as employers, he would not have asked the House to accept the measure, especially after such short consideration. We should be satisfied that this legislation would not place unfair disabilities on the State in its capacity as the largest employer in the State. It was said to be class legislation to protect workmen in regard to their rights, but it

was necessary to protect contracting parties. It was a sound rule that where we found that the laws of the country enabled the parties who wished to protect themselves to do so fully, we had no duty cast upon us to provide legislation to farther protect them. If they chose to neglect the means already provided for them the fault was not on our shoulders; but if we found that certain parties, no matter to what class they belonged, could not under existing legislation protect themselves, we certainly should amend our laws to afford them a fair measure of protection. It was probably said justly that our legislation for the protection of workmen's wages had not achieved the result we wished to achieve. Then let us amend that legislation, and remove from it the blemish that made it defective; but in doing so we should not extend the legislation to the relationship between contracting parties, because we would then be invading a sphere which had scarcely any limit to it. There would then be no difficulty in protecting the man supplying goods against the man to whom he supplied the goods. It was just as much a contract as a building contract. But it would be impossible to set about the task of protecting everyone against everyone else, it would be impossible to essay any successful discharge of such a duty, but we could successfully discharge the duty of protecting workmen's wages without being open to the gibe of passing class legislation; because we defended our action on the ground that we extended protection to those who, but for that, would not be able to assert their rights. When we went beyond that, we were extending protection to those who under existing laws could amply protect themselves.

MR. DAGLISH: To shorten the work of the Committee, he was willing to postpone Clauses 3 and 7, really the debatable clauses in the measure, to give the Attorney General and the member for Claremont and other members an opportunity to look into them. The Committee might then allow the balance of the Bill to pass, recognising that it was in their power later on to block the Bill by altering the scope of either of the two clauses. Would the Attorney General agree to this course? [A pause.] By remaining silent the Attorney General in an ungracious fashion evidently agreed to this course. He moved that the clause be postponed.

Clause postponed.

Clauses 4, 5, 6—agreed to.

Clause 7—Priority of liens:

On motion by MR. DAGLISH, clause postponed.

Clauses 8 to 13—agreed to.

Clause 14—If notice not followed by payment, proceedings may be taken to enforce lien:

MR. FOULKES: If no notice had been given to an employer of the subletting of a contract, it was not sufficient to have the contractor fined in the police court. It would be very hard on the employer to be compelled to pay, although no notice had been given to him.

MR. DAGLISH: The question the hon. member had raised was dealt with in Clause 12, and absolute protection was given by that clause to the owner against the trouble which the hon. member feared might arise.

Clause passed.

Clauses 15 to 28—agreed to.

Clause 29—When claim to be registered:

MR. FOULKES: The clause provided that the claim must be registered not later than 14 days after the completion of the work. That time was far too long. He moved an amendment—

That the word "fourteen" be struck out, and "five" inserted in lieu.

MR. DAGLISH: It was not proposed that the lien should be registered in respect to any land, unless the employer had failed to satisfy the legitimate demands made upon him under the contract entered into. Therefore 14 days were given by the proposed clause to enable him to discharge the liability, and obviate the necessity of any lien against the property. The time was a very reasonable one.

Amendment by leave withdrawn, the clause passed.

Clauses 30 to 49—agreed to.

Progress reported, and leave given to sit again.

LAND SELECTION, Mr. SCOTT'S.

SELECT COMMITTEE'S REPORT.

Debate resumed from the 10th October, on the motion by Mr. Daglish for adoption of the committee's recommendations.

The PREMIER (Hon. N. J. Moore): Anyone perusing the evidence contained in this report must come to the conclusion that the committee have made very careful inquiry into the subject under review. At the same time, while recognising that they had not all the evidence available and which could have been desired under such circumstances, I may say that the Government are prepared to accept their recommendations to this extent, that compensation shall be awarded to Mr. Scott, provided that an officer is sent down to make a valuation of the improvements which are alleged to have existed on the 200-acre block. I find that the committee have practically adopted Mr. Scott's valuation of that claim, as shown in paragraph *c*:—

> Loss of a well-prepared and protected orchard of 100 fruit trees, when in full bearing, destroyed by bush fires, on being abandoned after being declared a reserve, £155.

In considering this claim, the committee have decided to reduce the valuation Mr. Scott has put on the various items. In the first instance, he makes a claim for £150—

> Paid for leasehold 66/502 (5,000 acres) in September, 1887, rendered valueless shortly thereafter by reason of its frontage and water being unfairly cut off, followed by being declared a reserve.

This claim has been reduced from £150 to £100. The second claim is for "Loss of interest on the £150 from 1891 to 1896, from which, owing to foregoing, no benefit accrued; 15 years at five per cent., £112 10s." The committee have decided that for this he is entitled to no compensation; and similarly with the following item, "Loss over the depasturing of 5,000 acres," which he considers capable of carrying 1,000 sheep, and for which he claims £450. However on the fourth item, "Loss of well-prepared and protected orchard of 100 fruit trees," the committee, not having sufficient evidence, has accepted the claimant's valuation, and states on page 4 of the report—

> Your committee has been unable to obtain any evidence in regard to the actual value of the improvements, because of the fact that no officer now in the Crown Lands Department had visited the pastoral lease; and has therefore been compelled to adopt the claimant's valuation.

Recognising that the committee was not satisfied that Mr. Scott was entitled to be compensated to this extent, I do not think members will ask the Government to pay the total amount recommended by the committee, namely £310, unless the Government be satisfied, after an inspection by one of its officers, that the award is justified. The Under Secretary for Lands inquired into Mr. Scott's grievance, and he writes:—

> Messrs. Morris and Hughes have inquired into Mr. Scott's complaints, in accordance with your minute on page 72, and their report is submitted herewith for your consideration. Though the report evidences much careful investigation, I cannot agree with all the conclusions arrived at. The boundaries of leases taken up in unsurveyed country are always subject to rearrangement after survey; but in the rearrangement referred to in paragraph 5 of the report the error was made of giving Mr. Hassell's lease priority over Scott's, when as a matter of fact Scott's was the earlier and entitled to first consideration. This, however, was rectified within three months after Scott's first complaint.

I notice that Mr. Scott, in a letter contained in the evidence taken by the committee, dated the 20th January, 1893, made no claim at that time for any improvements he now alleges to have existed. In reply to a letter dated the 20th April he states:—

> It does not concern me how the difficulty arose or who is at fault. Suffice it that I have paid for this location five years ago, and that your office maps of that date show it is bounded for its length on the east by the Tone; and I will not allow 200 acres or even two square yards to be wrested from me with impunity. It is your duty as well as right to declare reserves when public interests demand them, but the position of this reserve renders it useless as such. Moreover, the inspiring motive is to cloak from the public eye a reprehensible irregularity of your department, past or present, and seek to inflict a wanton wrong upon an innocent man by an arbitrary, unjust, and undignified exercise of official authority.

I need not read the whole of the letters but it makes no reference at all to the improvements which later on Mr. Scott alleges existed on the 200 acres. Therefore it seems to me that until we have some better evidence as to this claim, the department will not be justified in giving

£155 which the committee suggests should be paid. As to the other claims, I have not objection to raise; but I move a slight amendment, namely—

That the words "to the extent that compensation should be given to Mr. Scott" be added to the motion.

It will then read that the House agrees to the report of the committee to the extent that compensation be given. My only object in moving the amendment is to have an inspection made of the block improved, so that the Government may be satisfied that Mr. Scott is entitled to the compensation mentioned in this item of his claim.

MR. C. H. LAYMAN (Nelson): In supporting the motion of the member for Subiaco I do not intend to go into details, as he, being chairman of the select committee, has done so thoroughly. The committee went to much trouble and held numerous meetings in the attempt to arrive at a satisfactory conclusion, and we were unanimous in our recommendation as to compensation; therefore I cannot agree to amending the motion. The Premier suggests that an officer be sent to make a valuation of the improvements that exist on the block. I should like to point out that many years ago the improvements were swept away by bush fires; and it will be impossible for the officer to make a valuation unless he collects evidence. The amount fixed by the committee is fair, and Mr. Scott is justly entitled to receive it.

MR. A. A. HORAN (Yilgarn): I presume the Premier's amendment is not actually hostile to the motion, but merely conveys that while the £310 compensation recommended by the select committee is agreed to by the Government, the sum may be varied if that course is justified by the valuation. The member for Nelson points out that the valuation will be impossible; so the attempted action of the Premier will be quite subversive of the intention of the committee. Though I was a member of the committee, I did not hear all the evidence, for I was out of town; but there are several features which I hope will command the attention of the Premier as Minister for Lands. Some very shady transactions were discovered in connection with certain areas, and I believe Scott was one of the sufferers. There is reason to believe that even at the present moment something of that kind is going on, one block of land being alienated instead of another. I am not making any charge, and we cannot help what has happened in the past. Perhaps the Premier is justified in proposing his amendment; but I hope he will give due consideration to the recommendations of the committee.

MR. J. EWING (Collie): As a member of the select committee, I must say Mr. Scott's seems to me a most deserving case. I feel satisfied that the conclusions of the committee are just and fair. At the same time, I recognise that the Premier, as Minister for Lands, is custodian of the funds of the department, and is desirous of having farther evidence of the existence or non-existence of the orchard in question. We as a select committee must admit that the evidence as to this has been very slight; but I must say there is some evidence. We have no reason to doubt that Mr. Scott is a thoroughly genuine and straightforward man who has done much for this country, and has to a certain extent been rather harshly treated. As he is an old man the dispute should be settled as soon as possible. He has stated that this orchard existed, and farther on in the evidence, page 26, it will be found that his son corroborates the statement. I think all members of the committee were perfectly satisfied that Mr. Scott was speaking the truth; that the orchard did exist, and the buildings also. If an investigation is made of the locality, I am sure some evidence of their existence will be found. If the Premier will assure us that if the orchard is found to have existed as stated he will approve of the amount of compensation recommended, I take it that will satisfy the committee; for I understand the Premier takes no exception to the three preceding items of the claim. The officer if sent to the locality will doubtless be able to get some evidence which the committee were unable to secure. There must be people somewhere in the locality who have seen the orchard. But the orchard, as the member for Nelson has stated, was destroyed by fire, and its extent may be difficult to

determine. The principal loss sustained by Mr. Scott was in not getting a survey of the 160-acre block that he applied for. In regard to this survey Mr. Scott's evidence differs from that of the surveyor; and the committee concluded to give Mr. Scott the benefit of the doubt, believing that the surveyor, on account of some misunderstanding, failed to visit the ground.

The Premier: The surveyor absolutely stated that he went on the land.

Mr. EWING: No, he did not actually go there; for if he had visited the real spot he would have been able to tell the committee whether or not the orchard existed. Therefore that is conclusive proof he had never been on the property, so that the Premier is under a misapprehension in regard to that. If there had not been this misunderstanding the block would have been surveyed as a 160-acre homestead lease. If the Premier will assure us that he will send an officer down to obtain evidence whether the orchard did exist, and that he will practically accept the report of the committee, justice will be done. I take it the Premier is anxious to settle the matter with Mr. Scott fairly. We must admit we had to accept the statement of Mr. Scott himself. We might have gone farther and have got the department to send someone down during the sittings of the committee, but we wanted to get the report before the House, feeling that an injustice had been done to Mr. Scott. With the assurance of the Premier that he will give the full amount in the event of the orchard and buildings being found to have existed, we are safe in accepting the amendment.

Mr. G. TAYLOR (Mt. Margaret): I have listened to the three members of the select committee appointed to inquire into this matter, and I have listened to the Premier and to the reading of the documents in relation to this matter. I find on the first glance of the report that this matter dates back so far as 1887, and another date is mentioned, 1893. I want to admit frankly that I have not read the report, nor had I remembered that it had been laid on the table of the House until the matter came forward for discussion. That is perhaps neglect on my part, and I am sorry indeed, especially when we hear the conflicting arguments of the members of the committee.

Mr. Horan: There is no conflict at all.

Mr. TAYLOR: The member for Yilgarn said he was somewhat in the dark.

Mr. Horan: I said nothing of the kind.

Mr. TAYLOR: The member for Yilgarn said, "I have not been able to attend all the sittings that were held owing to my absence from the capital, and to that extent I am in the dark." I am confident that *Hansard* will have taken the words down that the member was somewhat in the dark because he was not present at some meetings owing to his absence from the capital. The hon. member has had the advantage of reading the report. He knows it was not submitted to this House without his knowledge, and he has read the evidence, which I have not. When I find the matter dates back so far as 1887, and that there have been Governments in power during that period who I am sure were anxious to do all settlers justice——

Mr. Horan: Your own Government had most to do with it.

Mr. TAYLOR: I am reminded the Labour Government had most to do with it. They had nothing to do with anything the Government did in 1887 or 1893. The Labour Government had nothing to do with the State then, or the State would not be in the position it is in to-day, nor would this injustice of the Lands Department have caused Mr. Scott the suffering which the committee says it has caused him. I believe the Premier is justified in moving an amendment that the Government should send an officer down to see if he can find any trees which can be valued. The member for Nelson says it is idle to send down a valuer, as the orchard and the improvements on the property have been destroyed by fire. It is possible that the fire may have left no trace unless it was a very recent fire. If the fire took place between 1887 and 1893, or between 1903 and 1906, there would be no trace of it. We have the letter which was read to the House by the Premier, written by the surveyor, saying that he was on the spot.

MR. EWING: The Premier made a mistake.

MR. TAYLOR: I accept the statement of the Premier, for I do not think the Premier came here with a statement from his department setting forth an untruth.

MR. EWING: But the Premier made a mistake.

THE PREMIER: If the hon member will look at question 360 he will see it there stated:—

> I travelled from Bridgetown for that purpose, but when I arrived at Mr. Scott's residence on location 175, he informed me that he had thrown it up.

I was under the impression that 175 was the spot referred to as being the conditional purchase block that Scott took up, but the member for Yilgarn informs me that it is 10 miles away.

MR. G. TAYLOR (continuing): Notwithstanding what the Premier says, I shall support the amendment that the Government send down an officer to see if they can find the trees and the property that have been valued. The committee has reduced the claim of Mr. Scott from something under £1,000 to £310. It seems that the committee has accepted a compromise. That is really the position. The committee has said in effect, "This man has suffered a hardship at the hands of the Lands Department," it also says the Lands Department acknowledges that, therefore the committee says the Government should compensate this man to the extent of £310. The Premier is not satisfied with that amount of compensation, but he is anxious that the Government should send an officer down to investigate the matter, and see if the items that Mr. Scott impressed the committee with existed or not. We are told it will be impossible to find the improvements, because they have been swept away by fire. I have no desire to see the man badly treated, but on the face of the report there is justification for farther investigation.

MR. DAGLISH (in reply): I urge the Premier not to persist in the amendment, for the reason that any expenditure incurred with a view of getting the valuation which the Premier desires will represent so much waste of money, and the Premier can more cheaply pay the amount of the recommendation than the expense of getting a report in regard to that recommendation. I regard as of considerable importance the fact that the person claiming in this case made an agreement to abide by the decision of the committee, and the committee was an impartial one. I was honoured by the appointment of chairman of that committee. I know neither Scott nor the Lands officers in the matter. I had no interests to serve, and the claimant is not a constituent of mine.

MR. TAYLOR: There was no insinuation.

MR. DAGLISH: I know there was no insinuation, but I am trying to point out to the House that this committee was appointed on an assurance given to Scott by a former Government that a committee would be appointed. I do not desire that the representatives of the Press should take this; but I may say at the time the promise was originally made Scott was smarting under a keen sense of what he regarded as an injustice, and he wrote, or caused to be written, certain strong letters for publication in certain newspapers in the Eastern States. It seemed to me that every inducement should be made so that these letters should not be published. They were reflecting on the Lands Department of the State. There were at the time, or just previous to this time appearing in certain Eastern daily papers other reflections by other persons very strongly against animadverting on the Lands administration and the efforts of the State to induce settlers to come to Western Australia. It was very undesirable that these letters should be continued, and it seemed a very good arrangement that they should be prevented by offering to the man who was complaining an impartial investigation. He has had that impartial investigation, and he agreed at the outset to accept the decision of the committee.

MR. HORAN: You made that offer when Premier.

MR. DAGLISH: I offered to support the appointment of the committee when I was Premier, and Scott accepted that. When I was chairman of the select committee one of the first questions I

sked Scott was whether he would accept he decision of the committee as bind- ig on him, and he unreservedly did so. n my opinion the Government should o the same thing. The investigation 'as an impartial one. Members on the ommittee had no interests whatever in he decision given by the committee. 'hey sifted the evidence they were able o obtain, and they obtained all the evi- ence that could be got. And they ob- ained all the evidence that any special fficer deputed to visit the locality could et.

The Premier: They might find evi- ence of the existence of the orchard.

Mr. DAGLISH: An officer might nd the charred stumps of trees which 'ere in full bearing 10 years ago.

The Premier: He could value them.

Mr. DAGLISH: What would be the se of the valuation when it was got? f a certain area was planted with fruit 'ees a man could arrive at an approxi- nate valuation, and it has been assumed y the committee that the evidence of cott and his son in regard to ie area planted and the number of fruit 'ees that existed was truthful evidence. t was given on oath. It was not a mere sual off-hand sort of statement which is ery often given before select committees. s there was a question of monetary aim against the Government involved, ie committee thought it desirable that nyone giving evidence should do so on ath, and the evidence given by Scott and is son was given on oath. The Premier ight find out that instead of 100 trees ere were 90 or 110, and he might find saving of 10 per cent. or a loss of 10 er cent. by sending up this officer. He ould not do more one way or the other.

The Premier: The officer could tell there was one acre or 10 acres. The mount is £135. How many acres would at represent?

Mr. DAGLISH: There is only a claim regard to a certain number of trees in ll bearing—one hundred trees in full earing.

The Premier: They were not worth 135, then.

Mr. DAGLISH: On that we can ccept the Premier's statement. If the remier says that, let him move a efinite amendment. If the Premier prepared to make a valuation, let him do so, but it is no use sending a man to visit the site of what was once an orchard for the purpose of valuing trees that existed 10 or 12 years ago. To do so would be simply wasting more money than would be saved by the alto- gether unnecessary expense of sending an officer to report. There are certain items in the claim the committee refused to consider. There was a claim in regard to interest on the money invested in the purchase. It might be fairly argued that a great deal could be said in justi- fication for this claim, but the committee declined to consider it, having kept the valuation, as far as we are able to do so, to the capital expenditure, without allow- ing any interest whatever. Then there was a claim made for shearing shed, wool press, hurdles, etc., which was disallowed entirely on the ground that the shed was existent at the time the pastoral lease was purchased and was paid for, in the item of £100, the consideration for the transfer of the lease. Each item was taken by the committee and, as far as could be done, a fair assessment arrived at. The strongest point I wish to urge is that the claimant waived his claim to this extent, that he said he would take whatever the committee gave him. If the committee had said that they would recommend him £50, he would have to take it; and if the committee had offered him £500, he would have been entitled to it. The com- mittee assessed his claim at about 30 per cent. on what he asked. In view of the age of the man and in view of his feeble- ness, and in view of the fact that the lease he purchased could have been used by him when he purchased it and for some years afterwards as a means of deriving a livelihood for himself, and seeing that it might have been passed on to his family for the same purpose, I do not think the Government should be too close in the scrutiny of every detail in the claim. I think they need not go into the question of whether there were 100 or 80 fruit trees in full bearing. I notice the Pre- mier values them without knowing what trees they were, irrespective of whether they were orange trees, apple trees, or loquat trees. It would be foolish to spend £15 to £20 to send an officer to locate the spot where this orchard was; and it would be labour wasted. The Premier should not press the amendment. The

committee was entirely impartial. It had no feeling in regard to Scott, except the feeling that justice had not been done to the man, and if there be any error, on account of his age it should be made on the side of generosity.

THE PREMIER (in explanation): I am desirous of satisfying myself that the orchard existed; and it would not entail any expense at all practically to ascertain that fact. There is no reason why the Government land agent at Bridgetown should not go out there and make himself thoroughly satisfied that the orchard did exist.

MR. DAGLISH: There was the evidence of two persons.

THE PREMIER: The matter could easily be ascertained. Members who have had anything to do with orchard work know that there are about 80 fruit trees to the acre. If there were 120 trees in the orchard, as the hon. member says, there would be an acre and a half cleared for the orchard; and if the land was cleared and cultivated at that time and put under bearing, possibly the land would be worth, in the first instance, from perhaps £5 to £6 an acre to clear, and another £10 per acre to plant.

MR. DAGLISH: What about the value of the orchard in full bearing?

THE PREMIER: According to the evidence of young Scott, they were not in full bearing. The trees were only two years old. I read this from the examination of young Mr. Scott:—

> Have you any idea of the extent of expenditure on this orchard?—It was an orchard of about 100 trees, possibly a few more. There was a one-rail fence and netting. I am not positive about a round wire, but it had a barb wire at the bottom.
>
> Was it planted by the previous owner, or by your father?—It was planted by my father.
>
> Do you know in what year it was destroyed by a bush fire?—I cannot say. I think my father was there possibly a couple of years, to the best of my belief.
>
> But in this claim it is mentioned that there was a well prepared and protected orchard of 100 fruit trees, in full bearing?—They would be coming into bearing. They had borne fruit.

Admitting that the trees were in full bearing, £135 was altogether too much, even if there were 100 trees in bearing. It is not at all unreasonable to ask that an officer should make an inspection to satisfy himself as to the value improvements that were actually effect We recognise that the committee absolutely impartial in its investigati At the same time, having no evide before it, the committee admits it had accept the full statement of Mr. Scot claim; and as the committee realis that it was advisable to make a libe discount in some of the other items, p sibly it may be found on inquiry t this £135 can be reduced.

MR. DAGLISH: The committee d allowed certain items; it did not red them.

THE PREMIER: Some of the clai were practically similar to this claim the orchard. There was a loss by fire the shearing shed, hurdles, and w press, £75. That was cut out al gether.

MR. DAGLISH: That was part of consideration for which £100 was pa It should not be paid twice over.

THE PREMIER: Then in the cla for the leasehold being rendered valu less by reason of frontage and wa unfairly cut off, followed by bei declared a reserve, the committee pr tically only gave £25 for the loss of frontage and because the water was off. In view of the fact that the co mittee stated it was not satisfied exac as to the value of this particular ite the investigation I ask for should made. It will not make much differe to Mr. Scott. We practically ad £200 of his claim, and it seems to me is only a reasonable precaution that inquiry should be made.

Amendment put, and a division tak with the following result:—

Ayes	...	...	15
Noes	...	...	9
Majority for	...	...	6

AYES.	NOES.
Mr. Bolton	Mr. Barnett
Mr. Brown	Mr. Daglish
Mr. Butcher	Mr. Davies
Mr. Gregory	Mr. Ewing
Mr. Hayward	Mr. Hardwick
Mr. Holman	Mr. Heitmann
Mr. N. J. Moore	Mr. Horan
Mr. S. F. Moore	Mr. Stone
Mr. Price	Mr. Layman (*Teller*).
Mr. Taylor	
Mr. Troy	
Mr. Underwood	
Mr. Walker	
Mr. Ware	
Mr. Keenan (*Teller*).	

Amendment thus passed; the motion amended agreed to.

ADJOURNMENT.

The House adjourned at three minutes .st 10 o'clock until the next day.

Legislative Council,

Thursday, 18th October, 1906.

THE PRESIDENT took the Chair at 30 o'clock p.m.

PRAYERS.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: Bylaws Woodanilling Roads Board.

BILL—BREAD ACT AMENDMENT.

IN COMMITTEE.

HON. J. W. LANGSFORD in charge of e Bill.

Clause 1—agreed to.

Clause 2—Bread carters' holiday to be bserved:

HON. J. T. GLOWREY: A monthly oliday on Wednesday would be awkard. Suburban residents could not buy read on that afternoon, as all the small ores would be closed. He moved—

That the word "Wednesday" be struck out d "Tuesday" inserted in lieu.

HON. J. W. LANGFORD had no rong objection to the alteration; but r the last three years the voluntary ractice was to grant the holiday on Vednesday. The inconvenience the hon. member anticipated could not arise, as bakers' shops were exempt from the Early Closing Act providing a Wednesday half-holiday, and bread could be bought in them and in the smaller eating-houses.

HON. G. RANDELL opposed the amendment. The Master Bakers' Union informed him that if a holiday were fixed by statute, Wednesday should be selected. The carters would thus be able to associate with other workmen. To introduce another holiday in the week would be undesirable. No inconvenience had arisen from the holiday now granted voluntarily.

HON. C. E. DEMPSTER agreed with Mr. Randell. Bread carters and other workers should enjoy the Wednesday half-holiday in common.

Amendment put and negatived.

SIR E. H. WITTENOOM moved an amendment.—

That the words "or selier of bread to sell or deliver or," in line 3, be struck out, and "to" be inserted in lieu.

This would make it unlawful to employ a person to deliver bread; but the employer himself might deliver it if he chose.

HON. G. RANDELL: The words "seller of bread" ought to be retained. Presumably some sellers of bread were not bakers, and they, like bakers, should be allowed to deliver.

SIR E. H. WITTENOOM altered the amendment accordingly.

HON. J. W. LANGSFORD: The amendment would still permit the delivery of bread on the holiday by the baker or the seller, and that would tend to defeat the object of the Bill.

HON. M. L. MOSS: And to protect the small man.

HON. J. W. LANGSFORD: The small man wanted the Bill. The men infringing the understanding as to the holiday were those who employed two or three carters. The trouble was experienced mainly in the Perth district. In Fremantle, all the master-bakers worked in unison. When the carter was paid a wage, and a commission for every customer secured, there was a temptation to sell fresh bread on the holiday. That was the danger it was desired to guard against. No advantage should be given to one person over another.