

THE SPEAKER: I did not say the hon. member was. I say I did not know who was interested.

MR. EWING: I am interested in certain properties at Collie, but the mines are not on those properties.

MR. HASTIE: I believe Mr. Wilson is a shareholder in some mines at Collie, but I would like to see Mr. Wilson a member of the committee.

THE SPEAKER: Our Standing Orders say that no member who is interested can be placed on a select committee. This Bill does not refer only to the coal mines at Collie, but all the coal mines in the country.

MR. JACOBY: Would an attorney be interested in a coal mine?

THE SPEAKER: I do not understand what the hon. member means by an attorney.

MR. JACOBY: An attorney representing the owners.

THE SPEAKER: I do not think that would preclude a member from being placed on the committee.

MR. YELVERTON: Mr. Wilson is not interested in any mines: he is only an attorney.

THE SPEAKER: I do not see why the hon. member should not be placed on the committee, then.

MR. HOPKINS: If Mr. Wilson is an attorney for a coal mine, he must naturally be interested.

MR. YELVERTON: He is not a shareholder.

MR. HOPKINS: The hon. member cannot be an attorney unless he is interested. Although this may be an innocent matter, we must see that in every instance committees are formed from those who are not interested.

MR. JACOBY: The Speaker has ruled.

MR. GARDINER: What will be the result, when the report of the committee comes up, if one of the members of that committee was an interested party?

THE SPEAKER: If I was satisfied, in my mind, that a member was interested, I should disallow his name. I should have to see that the Standing Orders were obeyed.

Ballot taken and committee elected, comprising Mr. Butcher, Mr. Connor, Mr. Rason and Mr. Reid, also Mr. Ewing as mover; with power to call for persons and papers, to adjourn from place to place,

and to sit during any adjournment of the House; to report on the 24th October.

ADJOURNMENT.

The House adjourned at 10:36 o'clock, until the next Tuesday.

Legislative Council,

Tuesday, 15th October, 1901.

Papers presented—*Personal Explanation*—Question: Pilots at Rottneest—Question: Dividend Tax Received by Wardens—Motion: Pastoral and Agricultural Industries, to Legislate (adjourned)—Motion: Railway Administration, Board of Inquiry, no Confidence; a tie (negative)—Land Act Amendment Bill, Recommittal, reported—Excess Bill (1899-1900), third reading—Roads Act Amendment Bill, Recommittal, reported—Insect Pests Act Amendment Bill, second reading; Amendment passed, Bill arrested—Noxious Weeds Bill, withdrawn—Sales by Mortgagees Bill, second reading, in Committee, reported—Divorce and Matrimonial Causes Bill, in Committee, reported—Adjournment.

The PRESIDENT took the Chair at 4:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

THE MINISTER FOR LANDS, in laying on the table a return showing particulars in reference to form J. (as ordered), said the return showed that £19,000 had been authorised under this form. The Colonial Treasurer desired him to state that only one item of £6 odd had been incurred by the present Government.

Ordered to lie on the table.

By the MINISTER FOR LANDS: 2, Return showing cost of tugs used by mail steamers. 3, Report of Metropolitan Waterworks Board.

Ordered to lie on the table.

PERSONAL EXPLANATION.

HON. R. S. HAYNES: Before business was proceeded with, he would like to make an explanation. Last week a

member took exception to a remark made. He (Mr. Haynes) had no desire to say anything to which objection might be taken; and as he understood one hon. member in the Chamber felt aggrieved at certain remarks, he now felt sorry for what had transpired. At times members said things in the heat of debate which they were sorry for afterwards.

HON. E. McLARTY said he felt deeply what had fallen from the hon. member. The remarks which the hon. member made the other night touched him very deeply, as they were undeserved and uncalled for. He had thought that Mr. Haynes, with whom he had always been on good terms, would on farther consideration do what he had done to-night, and give an assurance that no insult was intended by the remarks. He accepted the assurance now given by the hon. member.

QUESTION—PILOTS AT ROTTNES.

HON. R. S. HAYNES asked the Minister for Lands: 1, If it is a fact that none of the pilots at Rottneest hold a master mariner's certificate? 2, If the Government will insist that all such pilots must hold a master mariner's certificate?

THE MINISTER FOR LANDS replied: 1, All of the pilots hold certificates; the two senior pilots hold Board of Trade and the third a coasting certificate. 2, The Government propose to insist upon pilots holding either a master mariner's certificate or a coasting certificate, which is considered equal to a master mariner's certificate for the duty devolving upon pilots.

QUESTION—DIVIDEND TAX RECEIVED BY WARDENS.

HON. T. F. O. BRIMAGE asked the Minister for Lands: If arrangements can be made for wardens of goldfields to accept dividend taxes from gold mining companies, instead of as at present compelling companies to send the money to Perth.

THE MINISTER FOR LANDS replied: There would be no objection to the duty being paid to sub-collectors of revenue, viz. wardens, for transmission to the Treasury, on the distinct understanding that the receipt given by them

would be merely a provisional receipt till the duty is properly checked off and recorded in the Treasury.

MOTION—PASTORAL AND AGRICULTURAL INDUSTRIES, TO LEGISLATE

HON. W. MALEY (South-East): I beg to move:

That a select committee be appointed to inquire into the pastoral and agricultural industries, with a view to drafting legislation to deal with the waste lands of the Crown.

It must be patent to every member in the House that some inquiry should be made into the pastoral and agricultural industries of the State, also some investigation into the legislation which now stands as the law of the country. For some time past we have been debating an amendment to the Land Act, and from the remarks which have fallen from members I have gathered some information. Very often I have been surprised at the way in which the pastoral and agricultural measures in respect of poison and grazing leases are grouped together; in fact they are muddled together. If by this motion something is achieved and some method devised by which the different industries mentioned can be placed under separate Acts, so that they will not conflict but assist one another, great good will be done. When we take into consideration that from the latest returns we have in the State no less than 530,593,533 acres of land entirely unalienated or in process of alienation, and when we find that we are still importing heavily foodstuffs and chaff—

HON. R. G. BURGESS: Not chaff now.

HON. W. MALEY: I am pleased to hear it. Chaff is now cheaper than ever it was before; but I did not think the importation had entirely ceased. According to the leading article in the *West Australian* of this or yesterday morning, I was led to believe that the importation still continued. We have this immense territory still undeveloped. We have people in this State ready to go on the land if we can afford them conveniences and find them suitable country. We have the people in Australia; we have the land here; we have the various industries working harmoniously together hand-in-hand with the present agricultural industry, and the agricultural industry working with the pastoral industry—all of them capable

of very great development. Only recently, by asking certain questions in the House, I drew attention to the condition of the poison leases. I found that two great companies had been in possession of nearly three-quarters of a million acres of land since 1886, and that practically nothing had been done with that country. That state of affairs is due to defective legislation, which has prevented the proper occupation of a large area of land in the South-West Division. And if an error was made in 1886, and if we are, as I contend, still suffering from the mistake then made, I think the time has come when a thorough investigation of these particular industries should be undertaken, including the poison leases. I found that there were of conditional purchase 1,209,000 acres, and of poison leases 1,356,000; and I venture to say that the land which is being held as poison leases is as good for agricultural purposes as the land held under conditional purchase; for some of the best land selected in 1886 was the poison land. We must bear in mind that this conditional purchase land, which is smaller in area than the poison land, has been selected since. After the poison land was selected, persons have come along and in many instances taken up land similar to the poison areas, with poison growing on it, and have used it for agriculture. And it is appalling to think of that huge area of land held under poison lease for so many years, while nothing has so far been done to eradicate the poison. Holders are waiting for an opportunity to do one of three things: to sell out their leases, or at the last moment to eradicate the poison, or, perhaps better still from their point of view, to pretend to do it, but to altogether avoid doing it. Now, I wish first of all to emphasise the fact that inquiries should be made into the poison plants; and that every expedient should be used to insist upon the conditions of these poison leases being fulfilled. As regards selection by the agriculturists in the South-West Division, although the Act is not clear, still there does not appear to have been so much difficulty. It was only a few years ago that any person could select 100 acres of land in any part of this State; he could select it at Eucla or at Wyndham, at Albany or near Perth. I

presume the reason for the alteration made has been that conflicting interests have been at work, and the area over which a selector's right has been available has been gradually restricted, and it is now practically restricted to the South-West Division; and by recent legislation it is possible under a grazing lease for the selector to trespass on the rights of the pastoralist and to interfere with the pastoralist in his holding. It seems unreasonable that these industries should be allowed to clash, when there is so much room in this State for the development of agriculture consistent with the use of the waste lands of the Crown for pastoral purposes. I do not think there is any need for me to speak farther on this subject. I believe members are favourable to a deeper consideration of the land question, and I trust my motion will be passed, and that gentlemen who are prepared to give the necessary time will sit during the recess to investigate this matter.

HON. J. D. CONNOLLY (North-East):
I second the motion.

THE MINISTER FOR LANDS (Hon. C. Sommers): I desire that the hon. member, with the permission of the House, should agree to the adjournment of the debate on this motion to this day week. The question of the cost of the select committee has to be considered; not that I am opposed to the motion, but I desire a little farther time to find out what it is likely to cost. There is another matter. I do not think a select committee would be permitted to sit during the recess. I think we should have to appoint a Royal Commission. If the House will agree to an adjournment till next Tuesday, the matter can be farther considered. I move accordingly.

Motion put and passed, and the debate adjourned.

MOTION—RAILWAY ADMINISTRATION, BOARD OF INQUIRY.

NO CONFIDENCE.

HON. J. T. GLOWREY (South)
moved:

That the board as at present constituted, which has been appointed to inquire into the charges made against Mr. John Davies, General Manager of Railways, has not the confidence of honourable members of this House.

He said : I much regret that I feel it incumbent on me to move such a motion ; but I am conscious that a wrong, a great injustice, has been done in this case, and that it is the duty of every member of this House to speak out freely and fearlessly when such a wrong has been done. It is well known to every member that the General Manager of Railways, Mr. John Davies, has been suspended. It is also well known that certain charges have been made against that gentleman. A board of inquiry has been appointed, which forms the subject of my motion. I would ask hon. members to bear with me for a moment. It is not a question whether Mr. John Davies is innocent or guilty of the charges that have been preferred against him. On that question I would ask hon. members to disabuse their minds, though I feel such a request is not necessary. It is not a question of Mr. Davies's guilt or innocence ; it is a question of fair-play and justice *versus* an incompetent and biassed board. That is the question we are now to discuss ; the question of an incompetent or biassed board on the one hand and of justice and fair-play on the other. Involved in this trial are issues which have convulsed politics and commerce ; round it hinges the political, nay even the personal probity of members of Parliament and other citizens. It is an inquiry into our great Railway Department, a department which, by existing laws, is under political and Ministerial control. It is also a trial of the work of one political party which is trying to justify its position by levelling a shaft at its opponents. The greatest jewel in the possession of any man is his character and his personal reputation. That is dearer to any man than his life. If a man loses his personal reputation, what is life to him ? Most of us dearly value our reputations and our characters ; and to a professional man—a man who has spent years of his life in order to work himself up to a position very few men can attain—it is most unjust that he should have aspersions and charges made against him that are practically without any grave foundation, and that these charges should be submitted to a board which, as I shall endeavour to prove, is biassed from the very commencement. That the board should be

thoroughly competent and impartial is most important ; and I shall ask hon. members whether the grave accusations I have mentioned should be tried by an incompetent board. I would ask whether these momentous issues are to be tried by a biassed board. With regard to the question of competence, I need not say very much. Captain Laurie, one of the members of this board, is a seafaring man ; and I maintain that he is no more capable of giving expert evidence on our railways than Mr. John Davies is of presiding in judgment over Captain Laurie's ability to navigate an ocean-going steamer. Of Mr. Shaw the same can be said. He has no qualifications ; and I am sure the gentleman does not claim any special qualifications.

HON. J. M. SPEED : Perhaps that is why the gentlemen are appointed ; because they have no qualifications.

HON. J. T. GLOWREY : That is the only reason I can assign. Mr. Shaw is an ironmonger, and as an ironmonger may be a very good man ; but he has not been a successful business man ; he has not made a success of his business in the other States. That is well known to several members of this House. Mr. Shaw came to this State a few years ago, and recently kept a small ironmonger's shop in Kalgoorlie, which shop is now vacant. If any special qualifications are necessary in the two gentlemen I have mentioned as having been selected to sit on this board, it is difficult indeed to find any such requirements in these gentlemen. Now I should like to come to the second and the more grave question of impartiality. Captain Laurie is, I believe, a gentleman who has freely expressed his opinions in a most hostile manner with regard to Mr. John Davies. Every second man you meet in the street will give you Mr. Laurie's opinions about Mr. Davies ; but as I am a goldfields man, I desire to leave that question to the sense and honour of other hon. members who have a more intimate knowledge than I of Mr. Laurie. I do not know why Mr. Shaw was picked. Perhaps it was with the idea of putting on the board a representative goldfields man. But Mr. Shaw is practically unknown on the goldfields, except that he kept a little ironmonger's shop in Hannan Street, Kalgoorlie, which is now unoccu-

pied. Mr. Shaw is practically unknown in the mining world. He is not one of the pioneers on the goldfields, but he arrived with the rush to Kalgoorlie. It is a marvel to me why the Government appointed Mr. Shaw as a typical goldfields man; but with all that I wish I could say that Mr. Shaw was, or was likely to be, an impartial man on this tribunal, the highest we could have, almost higher than our Supreme Court. Mr. Shaw has been a rabid and unreasoning partisan, seeking to get into Parliament on a policy of the denunciation of our railways and of all and sundry connected with the late Government and its administration. Mr. Shaw was a candidate for Parliament at the general election held in Kalgoorlie in April last, and I will give hon. members, before I sit down, some extracts from Mr. Shaw's speeches during the election campaign. The Government are asking this man who is a partisan to sit in judgment on a matter that is dearer to many than life. Mr. Shaw is a very old friend of our State Treasurer. I believe the State Treasurer served his time with Mr. Shaw in Victoria. He met him in business, and when Mr. Shaw first came to this State he lived for some considerable time with our State Treasurer, and afterwards conducted a house and land agency for the Treasurer at Subiaco. Eventually Mr. Shaw went to the goldfields. I desire to say that this appointment appears to me to be one of friendship. It is difficult indeed to put any other construction upon it, as both are such intimate friends. It is hard to look on the appointment with anything but grave misgivings. When we consider that Mr. Shaw has already given his views and opinions on railway matters, and on many occasions publicly, and that these are in the Press of the State, if there was any doubt in my mind or in anybody's mind, it must now be changed to a firm conviction, that to allow this man to sit in judgment on his friend's opponent would be monstrous indeed. Mr. Shaw was a candidate for parliamentary honours at the last general election at Kalgoorlie, or at the election in April last, but Mr. Shaw was not returned. He received about 300 votes, or approximately that number, out of I believe 3,000. That shows how well-known and popular Mr. Shaw is at Kalgoorlie.

HON. A. G. JENKINS : What did the head man receive ?

HON. J. T. GLOWREY : There were six candidates.

HON. A. G. JENKINS : But what number of votes did the first man receive ?

HON. J. T. GLOWREY : Seven hundred or thereabouts; but I am stating approximately. I say that Mr. Shaw secured 300 votes out of a possible 3,000 on the roll. Mr. Shaw, like every electioneering candidate, advertised himself very well. You will find posted on every verandah in Kalgoorlie Mr. Shaw's placard: "Vote for Shaw, and pure and honest government." But, as I say, the electors did not think Mr. Shaw a fit and proper person to return. I will read an extract or two from some of Mr. Shaw's addresses to the electors at Kalgoorlie to show how biased is that gentleman on this matter. In the course of one of his addresses the speaker said "He thought the Forrest Ministry, for corruption and jobbery during the last four or five years, would run Tammany Hall very close." In another address to the electors, Mr. Shaw made a rabid attack on the Government and the railways. He spoke in violent measures against the Government and the Railway Department in connection with the Ice Company frauds, and amongst other things he said "The electors had it in their own hands to put an end to the bribery and corruption that had prevailed." Mr. Shaw made many wild denunciations against the Colonial Secretary in connection with the postal contract, and his denunciations thereon were more in keeping with those of a young and inexperienced mob orator than we might expect from a man of his years. Nothing was too strong for him. He said "The record of the last 10 years had been job after job;" and speaking on financial matters he said at one of his meetings, "A thorough alteration must be made in the Railway Department: the General Manager was generally abused." Again, quoting from another report, he said, "There has been too much preference in the past for scoundrels who had robbed them against honest men." This is the gentleman who is chosen for a position to try some of the aforesaid "scoundrels" for perhaps something which is dearer to them than life.

I have only given you a few extracts, but anyone can get these speeches by looking up the past files of the newspapers during that election. I mention this to show you what kind of man Mr. Shaw is, and with what kind of mind he will appear on this board. I do not think I need go farther and remind members of the almost supernatural halo that surrounds the British Courts of justice, a tribunal to which rich and poor and high and lowly may appeal—

HON. J. M. SPEED: If one has got the money.

HON. J. T. GLOWREY: For even justice. This House is framed on the model of the great House of Lords, and although we may not approach, by a long way, that august Chamber, let us at least emulate that body as far as our sense of justice is concerned, and see that at least justice is done in this case. If an Afghan, a Chinaman, or a blackfellow is committed for trial, let us see that he is given justice. This board is to sit to-morrow, and no time is to be lost. I say with the greatest of seriousness and with all earnestness, that the present board, composed as it is to hear the charges against Mr. John Davies, is not a fair and just board, and Mr. John Davies will not get a fair trial.

Motion seconded.

HON. D. M. MCKAY (North): I do not think I can vote for the motion, because I do not know all the members of the board. But I know one gentleman who is to sit on the board, Captain Laurie, and I do not think he is the man who in any way would allow himself to do anything improper or wrong.

HON. C. E. DEMPSTER (East): I feel sure it is the wish of the House that this matter should be thoroughly investigated by those impartial and just. It is not right to say that there is no reason for inquiry: I do not think any hon. member will admit that there is not good and sufficient grounds for an inquiry into the procedure of the railway officials. We see in many ways that the country has been put to serious loss by gross mismanagement: someone must be to blame for that. I do not desire to go into details, but I feel sure that an inquiry is necessary, and I feel sure that the House is anxious that a just and honest inquiry should be made. If those gentlemen who are appointed on the

board are not what Mr. Glowrey has pointed out—impartial men—steps should be taken to appoint men who are impartial. The Commissioner of Railways for South Australia must in all circumstances be admitted to be a thoroughly competent man. He is perfectly conversant with the working of railways, and is as competent a man as can be obtained to sit on this board. I do not know the other two gentlemen, but judging from what Mr. Glowrey has said in reference to Mr. Shaw, I do not think that gentleman would be a desirable man to act in the capacity for which he has been appointed. I cannot indorse all that has been said by Mr. Glowrey, because I think an inquiry is necessary; but the inquiry should be a fair and just one. I think all members will admit that such an inquiry is necessary, and that we should not countenance any inquiry that would not be carried out with fairness and justice to all the parties concerned.

[Pause ensued. The PRESIDENT rose to put the question.]

HON. J. W. HACKETT (South-West): Although the principal charge made by the hon. member is of a very serious character, there does not seem to be any intention on the part of Ministers to reply. I think the first person to rise should have been one of the members of the Government.

THE MINISTER FOR LANDS: I was only waiting till other hon. members had spoken. I thought Mr. Moss was about to speak.

HON. M. L. MOSS: I gave no indication of an intention to speak.

THE MINISTER FOR LANDS: I thought you did.

HON. J. W. HACKETT: Well, then, I am satisfied; but the Minister remained silent until the President rose to put the question; and I can assure the Minister, although it is not perhaps necessary to do so now, that his silence created a most unsatisfactory impression upon members generally; but I am glad to find that the Minister was merely delaying his reply until the very last moment.

THE MINISTER FOR LANDS: (Hon. C. Sommers): I had no intention whatever of allowing such a serious charge to pass unchallenged; and it was only with the idea of affording hon. members every opportunity of discussing the matter that

I delayed speaking. My friends sitting around me know full well that I intended to reply to this charge, as I shall now proceed to do. I regret that Mr. Glowrey has not moved in this matter sooner, seeing that these appointments have been made for some considerable time. Of course I know the hon. member has been on the goldfields; but it is nevertheless regrettable that he should have delayed until the very last day on which it was possible to make this complaint or this charge. The hon. member states the Government have appointed an incompetent or a biased board. He prefaces his remarks by saying he does not know Captain Laurie, except that the captain is a seafaring man; and, except that he is a seafaring man, no charge is made against Captain Laurie. He may not have expert knowledge; but the hon. member makes no charge against Captain Laurie's qualifications other than that. So we may allow the charge as regards Captain Laurie to pass without comment; but the whole point is made against Councillor Shaw, of Kalgoorlie; and when I read this motion I fully anticipated that he was the gentleman whom the hon. member meant to attack. It is said this is an incompetent and a biased board; that the appointment of this board is the work of a political party trying to level a shaft at its opponents. Now, will the hon. member or any other member say that the conduct of the Railway Department, during we will say the last year or two, has been such that it should go without inquiry? I do not think there is one hon. member who will not admit that a board of some sort is necessary, or that some inquiry, some commission, is absolutely necessary for the investigation of the working of our railways.

HON. J. M. SPEED: We had a report placed on this table a week ago, about two inches thick.

THE MINISTER FOR LANDS: That, I presume, was a report made by the officers of the department. Now we want a report compiled by men outside the department; and the whole gist of Mr. Glowrey's remarks shows that he wishes to level his shafts, to use his own words, against Mr. Shaw. I may tell hon. members that Mr. Shaw conducted in Victoria one of the largest ironmongery

businesses, I suppose, in that State; and he conducted a similar business in Queensland at the same time. The name of Alfred Shaw and Co. is well known throughout the whole of Australia; and I will say that his record is one which any man might well attempt to emulate. If a man finds himself with as good a record after 50 years of life, most of it spent in Australia, as Mr. Shaw, that man has a good deal to be thankful for. It is stated that Mr. Shaw has no qualifications. Well, ask any business man in this State, or in any of the other States, what Mr. Shaw's qualifications are, and he will tell you that they are the very highest. Mr. Glowrey points out that Mr. Shaw has been a failure at his own business. One might say the same thing about some hon. members in this House. One might ask whether they have been failures, whether they have left with clean hands the States from which they came to this State, whether they arrived here with purses full of sovereigns to start new businesses. An insinuation is thrown out that Mr. Shaw started a small ironmongery business in Kalgoorlie, and that the shop is now vacant. I presume that Mr. Shaw closed the shop for business purposes, perhaps seeing his way to better his condition in life. To say that Mr. Shaw is a man unfitted to occupy the position offered him, and which he has accepted, is absolutely unjust and uncalled for. To begin with, I may tell hon. members that, as they are aware, Kalgoorlie is now a pretty large town; and the elections for any vacancy in the local council are keenly contested. Mr. Shaw was elected at the last election for the municipal council at the top of the poll. We know there are many very good men in that council; and I can assure hon. members who are not aware of it that all the contests are very keen. I believe Mr. Shaw is still a councillor of Kalgoorlie. At any rate, he was a councillor, and during the late election for the Legislative Assembly, for which Mr. Johnson, M.L.A., was returned, Mr. Councillor Shaw was a candidate, as were also Mr. Burton, and Mr. C. J. Moran. So we had four candidates contesting that seat, and the result was as follows:—Johnson (returned) 606; C. J. Moran, 506; Councillor Burton, 495; Councillor Shaw, 301. Well, seeing that Councillor

Shaw polled half the votes of the winning candidate, and was not very far behind the third man; seeing there was such a number of candidates, and that Councillor Shaw had not been many years in Kalgoolie, his record in that election was very good indeed. With regard to another point, we all know that almost every candidate standing for election throughout the length and breadth of this State did call the past Government to account for many of their acts—for some acts, it may be, that they did not deserve to be called to account for; and the Government may have escaped scot-free from some accusations which perhaps they did deserve, and of which the candidates did not know anything. But I presume Mr. Shaw, in expressing his opinions, showed he had opinions to express, and was not afraid to express them. I know he is not afraid to express his opinion on any subject, or to show his record to anyone who desires to know what it is. It is stated Mr. Shaw is a new-comer to the fields; that he is not a pioneer. Well, we cannot all be pioneers. I think Mr. Shaw has been on the fields four years. I may be mistaken—I do not know the gentleman very well, in fact I hardly know him at all—but if he is a rabid and unreasoning partisan of the present Government, well, the present Government do not know it. The present Government never knew of Mr. Shaw's utterances as detailed by Mr. Glowrey. I do not know whether there is any proof of those utterances. The hon. member makes certain statements, and we will take them for what they are worth. If Mr. Shaw did say such things about the working of the railways, we all believe they were deserved; and the main point we have to consider is that Mr. Shaw's record is an upright, honest, and just record, and one which has stood the test of Australian business life for practically the last 30 or 35 years. No one can say a word against Mr. Shaw; no one can say that he ever cheated anyone out of a penny, or that he owes anything to any man; and it is most unfair to cast those insinuations against a man because he has been merely unfortunate in business. We all know that years ago in Melbourne, when that great financial crisis arrived, many good men went down; and it is their misfortune and not their

fault that they have come to this the newest of the States, to endeavour to make a fresh start; and it is most unfair to make these insinuations against a man who is known throughout the length and breadth of Australia. I may say that for one man who knows the mover of this motion, I suppose there are thousands who know Mr. Shaw.

HON. G. RANDELL: Mr. Shaw failed in Victoria and in Queensland, too.

THE MINISTER FOR LANDS: He failed in Victoria and in Queensland simultaneously. He was running a business in both States, which had a turnover of some hundreds of thousands a year.

HON. A. JAMESON: Some of the banks failed.

THE MINISTER FOR LANDS: Undoubtedly they did; and some of them have not yet paid all their debts. Perhaps some members of this House have failed; but I think they would strongly object if it were said that because they had been unfortunate enough to compromise with their creditors, because they had failed in business in Victoria or elsewhere, they were not fit to sit in this House to make laws. I presume that a large number of Kalgoolie electors who voted for Mr. Shaw thought him a sufficiently upright man to be intrusted with making the laws of the country; but it remained for Mr. Glowrey to come down here at the last moment and to ask us to say that in the opinion of this House Mr. Shaw is not a fit and proper person to sit on the proposed board of inquiry. Nor do we want none but experts on this board. We have from South Australia one expert, against whom Mr. Glowrey says nothing. Mr. Laurie is a seafaring man; but it does not follow he is not a business man; and I think what we want upon the board in addition to the expert member, is men who have some business training, some business ability, and who in a business capacity know how to dissect evidence. Mr. Shaw, as far as I know, is practically unknown to the present Government; and in making this appointment it was felt that the representation on the board ought to be spread as widely as possible over the State. We have one representative from the port of Fremantle, we have one from the principal inland town, and one gentleman from the neighbouring

State of South Australia who will act as chairman. It does not matter whom you may appoint: pick out any two gentlemen in this State to sit on any board whatever, and you will find someone is disappointed, and someone has something to say about the appointment. But considering that this trial has to commence to-morrow, and that the names of the members of the board have been known for a considerable time, it does seem strange that this attack should have been made which has no foundation whatever, except the statements that Mr. Shaw failed in business, has not been a success in his own business, started an ironmonger's shop at Kalgoorlie, stood for election and got beaten, was a friend of the State Treasurer—and that last statement is about the most far-fetched of the whole lot. Because the State Treasurer was at one time employed as a traveller in the great commercial house of Alfred Shaw and Company, in the early days, then the whole of the present Government are to be accused of jobbery and corruption, and of levelling shafts at political opponents for having appointed Mr. Shaw, because the State Treasurer once worked for him. That is about the most far-fetched charge I ever heard; and I trust this House will refrain from passing any motion with regard to this matter, and will simply ignore Mr. Glowrey's proposal, which is an unwarranted attack on an honourable man such as Mr. Shaw has proved himself to be in his long life in Australia. And I think when motions of this class are brought on in this House and used to level shafts at men who—perhaps I had better not say what I was about to utter; but if some men were equal in honesty and uprightness to all the men sitting on this board, it would be better for the country.

HON. S. J. HAYNES (South-East): While I thoroughly agree, as I am sure everyone will agree, that a board of this sort should be absolutely impartial, so that justice may be done, I think it has been generally admitted by the other speakers that the appointment of Mr. Pendleton practically meets with the approval of all.

HON. G. RANDELL: He is the expert.

HON. S. J. HAYNES: No doubt that gentleman's repute is quite sufficient to satisfy practically everyone in this State.

Captain Laurie's name has been mentioned. I have the pleasure of knowing that gentleman; and in my opinion he is qualified to sit on any board. He is a man of high principle; he has been living in this State for many years. I have met him on numerous occasions; and I think he is a gentleman possessing all necessary qualifications. I do not think it absolutely necessary—at all events it rests with the Government to decide—that all sitting on a board of that description shall be experts; for I have no doubt there are matters of a purely business character to be decided as well as questions calling for expert knowledge. Mr. Glowrey has dealt with Mr. Shaw in very serious terms. All I can say is that I should be very chary in being carried away by an *ex parte* statement. Mr. Glowrey no doubt has made his statement with the best of motives, and no doubt after making all reasonable inquiry. All I can say about Mr. Shaw is that, although I do not know him personally, in Victoria, where I spent many years, I knew the firm of Alfred Shaw and Company, who were held in the highest repute and esteem, and this firm carried on a very large business in Melbourne. It was not a business in a small way, but the firm were princes in the ironmongery trade. The firm of Alfred Shaw and Company was of the same standing as that of the old firm of Jas. McEwan and Company Limited, and McLean Bros. and Rigg Limited; and one of those firms came to grief, that of McLean Bros. and Rigg Limited, and two of the leading partners in Jas. McEwan and Company Limited came to grief.

HON. J. W. HACKETT: You should not mention names: it is bringing up an old story.

HON. S. J. HAYNES: I think I am justified in the circumstances in mentioning these facts, although I am not mentioning names. I am speaking of two leading members of a firm. I do not think the hon. member has a right to take me to task, and I shall not ask him to decide as to matters of taste. I think what I am doing is perfectly right. I say members of leading firms in Melbourne have had to seek the refuge of the Bankruptcy Court; and some of the gentlemen who were personal friends of my own went down when the crisis occurred in

Victoria, and it did not affect only commercial firms but banks as well. These are not unpleasant remarks to make, nor am I doing anyone an injustice. I rather sympathise with these people.

HON. J. W. HACKETT: But you should not mention names.

HON. S. J. HAYNES: I did not mention names, and it is false to say that I did. I said that members of the firm of McLean Brothers & Rigg Limited, and James McEwan & Co. Limited, suffered during the crisis in Victoria, and these persons had to take advantage of the Bankruptcy Act. No doubt Mr. Shaw was placed in a similar position when the commercial trouble swept over Victoria. Some of the best men in business suffered then, and I am sorry for them. I have not had the pleasure of knowing Mr. Shaw, but Mr. Glowrey speaks in exceedingly strong terms of that gentleman. During the time which I spent in Victoria, and it was a period of nearly 20 years, Mr. Shaw was held in the highest repute in commercial circles, and he was a man whose opinion was accepted with respect throughout Victoria; and a man against whom I never heard the breath of suspicion as to his probity until I entered the House to-night. Until to-day I did not know that Mr. Shaw was the Mr. Alfred Shaw of the firm of Alfred Shaw & Company, of Melbourne. I had not the pleasure of knowing him, but he was a man held in repute in Victoria.

HON. A. JAMESON (Minister): I should like to say just one word on this question. As one of the Ministers I have had something to do, and in some measure I am responsible for the appointment of the gentlemen on the board. I may say that the appointments were very carefully gone into indeed, and so far as I, as one of the Ministers, was concerned, the appointments met with my entire approval. I do not know either of the gentlemen. Still I took trouble to inquire into the character of every name brought before us, and from my point of view I considered that it was necessary to appoint men of character, and in the second place men of business capacity, men with some commercial experience, and thirdly men who were not involved in politics. I understand that Mr. Shaw is a man of vast commercial experience. It

is stated that he had one of the largest businesses in Australia, and the very fact of his being so long in business outside this State must be of advantage in an inquiry of this kind. Mr. Shaw would naturally come to the question with larger views than men who have lived here all their lives, and a thorough knowledge of business is very useful on a board of this kind. We have as chairman an expert, and the other two members of the board are associated with him in the nature of a jury. They are men of experience, and we do not want young men on an inquiry of this sort; we want men of character and experience, and what better men could you have than those appointed? The two gentlemen represent the State widely. One is appointed from the coast and the other from the gold-fields, and the very fact that one of these gentlemen went to the bottom of the poll at an election perhaps showed that he did not push his interests in the same way as the other candidates did. It does not follow that it is at all discreditable to him, for he received very liberal support in Kalgoorlie, quite sufficient to make us see that there cannot be much against the gentleman in question. I was very sorry indeed to hear the hon. member bring forward such charges, because they all seem to be of such a trivial character. Because this gentleman went into a small shop at Kalgoorlie after he had met with disaster in the terrible crisis in Victoria is no discredit to him. This gentleman was engaged in a large business in Australia, and no slight should be thrown on him because he recommenced business in a small shop. It is desirable that this inquiry should be very carefully gone into by the board, but I hope a motion such as this will not gain the support of the House. A great deal of the time of the House has been taken up, and certainly this matter might have been important if definite charges of importance had been brought against the character or the intelligence of the men who have been appointed. But the charges have been minor ones, and are not such as should be brought before the House. I hope members will not support the motion.

HON. G. RANDELL (Metropolitan): I am somewhat unwilling to enter into this discussion, but I think it is necessary to say a few words on the subject,

inasmuch as I sympathise very cordially with the motion which has been brought up by Mr. Glowrey. I feel that the Minister for Lands and Dr. Jameson have missed the point which Mr. Glowrey raised. It is not a question of the character of the individuals, but the bias and impartiality towards the man on trial. That seems to be the question at issue, and Mr. Glowrey succeeded in showing that these men are already biased and have expressed themselves in the strongest terms on the management of the railways, which naturally reflects on Mr. Davies, who is on trial. It is a very grave matter, and it seems to me the Government were most unfortunate in the selection of the board with the exception of Mr. Pendleton, of South Australia. We know that gentleman has a very high character and has a most extensive knowledge of railway matters; therefore he is most fitted to take the chairmanship of the board; but when we come to the other two members of the board, from my own knowledge of Captain Laurie and from what I have heard from Mr. Glowrey, both these gentlemen are unfitted to sit on the board, because they have expressed themselves already and given their opinion against the management of the railways. The General Manager of railways in this or any other place, whether the railways be private concerns or Government concerns, has an important position to fill, and no one can conduct a railway business without making enemies. Captain Laurie has been described by members as a man of strict integrity. I do not know the gentleman well; I cannot say whether I should know him if I met him in the street, but I ought to, as I have had business relations with him. I do not know the other member of the board, Mr. Shaw. Mr. Laurie is a stevedore at Fremantle, and he takes the discharge of ships. If Captain Laurie is deprived of trucks for a few hours of the day he has a grievance, which is sure to lie at the door of the General Manager of Railways: there is no one else on whom he could lay the blame. It does not follow, however, that the General Manager is to blame; still it follows Captain Laurie will be prejudiced because he has not the trucks into which to discharge, and naturally loses some of his profits. It stands out as clearly as daylight that

the statements made by Mr. Shaw are enough to disqualify any man from sitting on a jury, which Dr. Jameson calls it. Mr. Shaw has denounced in the strongest terms the management of our railways, which involves the General Manager.

THE MINISTER FOR LANDS: Can you find anyone who has not denounced the railways?

HON. G. RANDELL: I am taking what the hon. member (Mr. Glowrey) says as correct, because I do not read the *Kalgoorlie Miner*; and I am happy in the thought that I have endeavoured to do the best I can according to my ability for the country while I occupied the position of Minister, and if I have made mistakes I am only human, and others will continue to do the same until the end of the chapter. To select men like those chosen, when there was a wider range of choice, seems to have been an error of judgment on the part of the Government. It seems to show that the Government are not willing to have an impartial inquiry, but that they have selected men who have exhibited bias to try Mr. Davies.

THE MINISTER FOR LANDS: Nonsense! We might as well have appointed the chairman from those in the State.

HON. G. RANDELL: The Government might have appointed a magistrate.

HON. M. L. MOSS: Or a Judge.

HON. G. RANDELL: Or a Judge, and I think a lawyer should have been appointed on the inquiry for the purpose of criticising the evidence placed before them, and to prevent the lawyers on the other side putting forward any evidence which is improper and illegal. Then I think we should have had business men like Mr. Loton or Mr. Bateman of Fremantle: such men would have given confidence to the country. But the board as constituted has not given confidence to the people; and the Government, if they have been very careful, have been very ill-advised in selecting two such men to sit upon that board of inquiry. I do not care to say very much more. I think I have shown sufficiently well why those gentlemen should not have been selected. It is not a question of bankruptcy; it is not a question of character, though of course character would weigh. I do not think for a moment the Government would appoint a man of bad character. I believe

Captain Laurie is a very honourable member of society, and have no reason to think that Mr. Shaw is not the same. The fact of the relationship which existed between Mr. Shaw and the Colonial Treasurer is also a little unfortunate, and gives rise to the suspicion that Mr. Shaw was selected on the ground of friendship. On the other hand, he may have been selected because the Colonial Treasurer is fully acquainted with the character of Mr. Shaw, and has confidence in him. But I say again most earnestly and solemnly that I think a very bad selection has been made of the two lay members whose names have been mentioned here this evening. I am sure the desire of the country is to have an inquiry. I think Mr. Dempster misunderstood Mr. Glowrey's motion. Mr. Glowrey does not wish to burk inquiry—he wants inquiry; and I believe it is the desire of Mr. Davies to have the fullest possible inquiry; and I may say, farther, that I have not the slightest doubt Mr. Davies will come out of that inquiry with flying colours. Complaints have been made from all sides as to the improper management of the railways; Fremantle is the very hotbed of those complaints; and Captain Laurie is in constant communication with men at Fremantle who have a grudge against Mr. Davies, because he has been trying to do his duty to his country, and to enable the railways to earn a profit which, I am sorry to say, is gradually slipping away, from one cause and another; so that by-and-by we shall see ourselves scarcely able to cover expenses, unless very great care be taken to stop the drifting which is at present going on. At the present moment it is not my business to say anything about Mr. Davies. His case will be tried presently, whether by this board or by somebody else; but I do say, if the Government desired an inquiry satisfactory to the general public, they should have selected different persons from Captain Laurie and Mr. Shaw to sit on that board; and I hope it is not too late for the Government to reconsider this matter, as they have an opportunity of selecting men of integrity, say, for instance, Mr. Sep. Burt. Possibly he would not sit if he were asked; but he would be the type of man to select—a man who is dispassionate.

HON. R. S. HAYNES: Is Captain Laurie a passionate man?

HON. G. RANDELL: I do not know; but he spoke very warm words about the railways. It is a question whether the men are influenced by bias which they have latterly contracted through their connection in some way or other with the railways; and I think it would be exceedingly difficult for them to get rid of that bias in their minds at the present moment, especially when under influences with which Captain Laurie is in constant contact at Fremantle, while the same may possibly be said for Mr. Shaw at Kalgoorlie.

THE MINISTER FOR LANDS: How can that be said if his shop is shut up?

HON. G. RANDELL: There has been a great deal of disaffection in Kalgoorlie; and Mr. Shaw may possibly have imbibed some of that disaffection.

HON. A. JAMESON: Then you exclude Kalgoorlie as a field for the selection of members of the board?

HON. G. RANDELL: I think a better selection could have been made nearer home, from men known to everybody for their impartiality and integrity, and of men who have never appeared as partisans either of Mr. Davies or of the Government.

HON. R. S. HAYNES (Central): We all agree that this board should consist of the best men obtainable for the purpose of coming to a correct conclusion upon the charges laid by the Government against Mr. John Davies; but I venture to think that whoever were selected as the members of that board would be open to criticism either from one side of the House or from the other; and the general charge that the members so appointed had expressed dissatisfaction with the management of the railways would lie against 99 per cent. of the population of the State, while the other 1 per cent. would perhaps for other reasons be unfit to sit upon the board. As to the chairman of the board, I will not express any opinion. I am glad to think we have invited a gentleman from South Australia; and am pleased that the House is unanimously of opinion that he is a fit and proper person to sit as president. Whether there should be a lawyer upon the board is a matter on which I have no very decided opinion. Past

experience of lawyers sitting on boards such as this has not confirmed me in the opinion that they have been a success. The report laid upon the table by a recent board on which there was one lawyer is to my mind some evidence at all events that lawyers should be kept off such boards; because, if that lawyer was appointed to the board for the purpose of advising his co-members as to what was the law of master and servant, and the law with reference to the dismissal of servants, then he most seriously failed. For, had he decided that case according to the law laid down in all the text-books, he would have advised the board in a manner directly contrary to that which he adopted. I refer now to Mr. A. S. Roe.

HON. J. M. SPEED: Your firm appeared in the case.

HON. R. S. HAYNES: My firm did not. I thought my statement would bring out some such interjection. My firm did not so appear. I believe my partner appeared as counsel, instructed by another firm of solicitors; and I absolutely knew nothing whatever about it until I heard something, and heard it not from my partner at all. My time is too fully occupied to permit of my holding *post-mortem* examinations into cases. I fortunately do know the gentlemen sitting upon this board, and naturally I shall first take the gentleman whom I know best: I refer to Captain Laurie, whom I have known for upwards of 12 years. I first met him when he was master of a steamer trading with this State. I subsequently met him in connection with various commercial transactions here. I have seen him upon juries, civil and criminal, and there is no person whose presence on a jury I hail with greater satisfaction than that of Captain Laurie.

HON. G. RANDELL: In ordinary circumstances?

HON. R. S. HAYNES: In all circumstances; and I feel when speaking of Captain Laurie that he is a person capable of understanding arguments, and above suspicion, and one of those not easily moved. He is certainly not a man of perfect temper; but he is calm and cool—I was about to say a Scotchman: he is a typical Scotchman; and, added to that, he has had consider-

able experience in the management of stevedoring at Fremantle, which, after all, fits him specially, I think, to form an opinion upon the running of trains and the disposal of goods. I do not think you can get a better man; and as to his being prejudiced, personally I have too great a respect for Captain Laurie to think that anything he might have said off-hand would in any way interfere with his judgment after he hears the evidence *pro* and *con*. It may be he has expressed an opinion upon certain facts before him, but I should be very sorry to think Captain Laurie is a man who would improperly and unlawfully decide a case in the face of evidence. Personally, I think no better man in Western Australia could be secured than Captain Laurie. That is the opinion I have formed after 12 years' experience of him; and were I in Mr. Davies's position, I should gladly welcome with satisfaction Captain Laurie's appointment on the board. With reference to Mr. Shaw, I know less. Probably I know very little of him except by repute; but I do know that he was a merchant in a very large way of business in Melbourne and Brisbane. He came down with a crash in Melbourne, but he was not the only merchant who came down. I do not know whether hon. members are acquainted with the gentleman. He is a man advanced in years, and from my experience of him, he is a man above suspicion. I do not think a gentleman who has lived an honourable life for perhaps 60 or 70 years is likely towards the end of his days to do a dishonourable action, and hand down to posterity a name sullied by such an action in the last years of his life. As to whether he is fitted for his position, I probably cannot form an opinion; but I do say his character is such, from what I know and have heard of him, as to entitle him to the position. He may or may not be a friend of the Colonial Treasurer; but I should certainly think that hon. members pay him a very poor compliment if they say that because he is a friend of one member of the Government he will therefore prostitute his position by bringing in a false verdict. Because that is practically what is said, although it be not said in so many words. I think that is a very grave and serious charge to bring against anyone. With

reference to Mr. Pendleton, I say the House are agreed. This is not a hole-and-corner inquiry. I do not know whether the Press will be admitted; but whether or not—[MEMBER: They are to be admitted]—well then the evidence is to be published every day; and what would be the good of a finding of that board if the finding were in the teeth of the evidence, which evidence everybody will have an opportunity of reading? If the evidence do not support the verdict, well then the verdict will be received with scorn by the public. If, on the other hand, the evidence support the verdict, what harm will be done? That is how it strikes me. Personally, I see no reason whatever why any objection should be made to this board; and I regret that the motion has been moved at this stage, because the object of the motion seems to me to be, so to speak, to stay the hands of the board. The motion is made at the eleventh hour. The board sits to-morrow. The board was appointed some time ago. Then why was not the motion moved earlier? Why is it moved the day before the board is to sit? Why? For the purpose of trying to cast discredit on the board, and to prevent its members from taking an independent stand. Had this motion been moved a week ago, and the attention of the Government brought to it, the Government might very well have said: "In the circumstances, we are prepared to reconsider our decision, and we will appoint other persons." But to appoint other persons now is impossible: it is too late. And the only object of the motion can be to embarrass the Government. I do not know whether Mr. John Davies has or has not a good defence. I am always glad to see an accused person get off. I am always glad when a person is proved to be innocent, and sorry to see a charge proved against anybody, whether I am prosecuting or defending. But whether or not he has a good defence, not only has this board to hear his evidence and to decide, but the whole community of this State will indorse or condemn the action of the board; and I am sure this State would willingly condemn the board if it were found the evidence did not support the verdict. But speaking as one individual, I feel that whatever

decision Captain Laurie came to would satisfy me. I certainly cannot support the motion.

HON. E. McLARTY (South-West): It does appear to me unfortunate that the Government should have made such a choice of members. I am not friendly with any gentleman on the board. I have known Captain Laurie for years, and I have always heard him spoken of with the greatest respect, I have always heard him spoken of as a gentleman of the highest integrity; but seeing that Captain Laurie is engaged as a stevedore at Fremantle, and no doubt is occasionally put to serious inconvenience in his business by the want of trucks, naturally he would have some prejudice against the Railway Department. Therefore I do not think it was right to put a gentleman of his standing on the board. The Minister for Lands has stated that no matter who had been appointed, some objection could be raised to the persons. I cannot agree with that.

THE MINISTER FOR LANDS: You make some appointment some day, and see.

HON. E. McLARTY: I think I know a dozen gentlemen whose appointment would have met with the approval of the whole country, and against whom no objection would have been raised. I am not going to condemn Mr. Shaw through the remarks made by Mr. Glowrey. I do not think that because a man has failed in business that is anything to his discredit. The best of men fail, but that is no discredit to their reputation. All over the State people are looking forward to this inquiry, and I regret the Government have not made other appointments. I have not a word to say against Captain Laurie or Mr. Shaw; no doubt both are honourable gentlemen, but they are not the best men who might have been appointed.

HON. J. M. SPEED (Metropolitan-Suburban): I intend to support the motion, and it is for that reason I thought it necessary to make a few remarks. I know Mr. Shaw and I have the highest opinion of him. I have known him ever since he has been in the State, and in many respects he would be a suitable man for a position on the board. At the same time I cannot get away from the fact that in him we have a man who has expressed his opinion strongly, therefore

he has no right to be sitting on a board where questions have to be considered on which he has expressed his opinion. In ordinary arbitration cases in the Supreme Court, involving a sum of £50, if any arbitrator has been known to express an opinion before he has sat on the board, that is sufficient to go to a Judge upon and have the award capsized. Here we cannot afford to have the award capsized. It is an important matter, and the Government who are the accusers in Parliament are also the persons who have appointed the judges. The Government have appointed the persons to try the charges which they have levelled against Mr. Davies. It is not for us to say whether the charges are correct or not, but Mr. Davies has been charged in another place, and it is for the board to say whether he is guilty; therefore the Government should be careful in appointing this board. The Government should not select men who have exhibited bias: such men should not be appointed by the Government. It would be better to see appointed men who had expressed themselves more in favour of the General Manager, than otherwise. If the Government put men, who have made statements against the General Manager, on the board, any award, if against Mr. Davies, may possibly recoil on the board in future. As to Captain Laurie, I believe he is a most estimable man. I believe the Government appointed Captain Laurie, a seafaring man, because they themselves were "at sea" about the charges. They were away some time, and when they got back they met Captain Laurie on the wharf at Fremantle, and thought he was the best man to appoint. In cases of this sort the accuser should not appoint the judges. It is a bad practice, and it would have been far better if the Government had left this matter to a Judge of the Supreme Court or to the Full Court to appoint the board. Then the public would have been satisfied, and there would have been no party feeling brought into the question. No political matter would have been brought up, and the result would have been satisfactory to the country. But the present system is a bad one, and the sooner it is done away with the better.

HON. J. T. GLOWREY (in reply): I have very little to say, except that I wish

to reply to statements made by members, notably Mr. Dempster and Mr. McLarty. I have no desire to have anything else but an independent inquiry, and a verdict from a board in which the House and the country will have confidence. The Hon. R. S. Haynes appears to take some exception to this motion being brought forward at the last hour. I am very sorry indeed that I have been absent from the House, or I should have brought it forward sooner. But that is no excuse at all: it is never too late to rectify a wrong. With regard to Captain Laurie, it has not been shown that this gentleman possesses any special qualification to entitle him to sit on the board. I said just now that in my opinion he was just about as able to judge the General Manager as Mr. Davies was to judge Mr. Laurie's ability as a sea captain. I know nothing about Captain Laurie except that he has expressed himself very freely about Mr. John Davies, and for that reason he has no right to take a seat upon the board. With regard to Mr. Shaw, a great deal has been said in reference to his non-success in business. I said very little about that, but some hon. members are ready to seize hold of anything so as to lead other hon. members away from the real question at issue, and on this occasion some members seem to have grasped at the point and to have made the most out of it. I said that Mr. Shaw was not successful in business and that he should not have been put upon the board as a business man, because as such he was not the best man to select. I have proved conclusively that Mr. Shaw is biased, and he is going on the board with a biased opinion. It will be a disgrace to allow such a man to take his seat on the board. If we want a man to dissect evidence, as some hon. members have referred to, it would have been very easy to have obtained a gentleman with a legal frame of mind who would have been able to have dissected the evidence. Neither Mr. Shaw nor Captain Laurie possesses the qualifications, but there are hundreds, I could almost say thousands, of people who I am sure would give much greater satisfaction than the gentlemen who have been appointed. I trust, for the honour of the House, that members will protest

against this board, and that we still will see that justice is done even to a civil servant.

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

Ayes	11
Noes	11
<hr/>	
A tie	0

Ayes.	Noes.
Hon. G. Bellingham	Hon. E. M. Clarke
Hon. R. Briggs	Hon. J. W. Hackett
Hon. W. G. Brookman	Hon. R. S. Haynes
Hon. R. G. Burges	Hon. S. J. Haynes
Hon. C. E. Dempster	Hon. A. Jameson
Hon. J. T. Glowrey	Hon. D. McKay
Hon. W. Mahey	Hon. M. L. Moss
Hon. E. McLarty	Hon. J. E. Richardson
Hon. G. Raudell	Hon. H. J. Saunders
Hon. J. M. Speed	Hon. C. Sommers
Hon. T. F. O. Brinnage	Hon. A. G. Jenkins
(Teller).	(Teller).

THE PRESIDENT: It devolves on me to give my casting vote, and I do not think it my duty as President to give my casting vote in favour of a motion which is tantamount to one of censure on the Government. At the same time I may express my view, that I think the Government might have made a better selection. I give my vote with the Noes.

Question thus negatived.

LAND ACT AMENDMENT BILL.

RECOMMITTAL.

THE MINISTER FOR LANDS (Hon. C. Sommers) moved that the Bill be read a third time.

HON. C. E. DEMPSTER (East) moved as an amendment:

That the Bill be recommitted for the purpose of inserting a new clause.

The new clause was not a very serious amendment; but the pastoral lessees who occupied a very large portion of the Eastern Division were entitled to some consideration. Under the present regulations they were entitled to six months' notice before any land could be resumed as grazing leases out of their holdings; and the new clause would give them three in lieu of six months' notice; and instead of applying to the whole of the South-West Division, would apply to the eastern part of that division. Unless the pastoralist received some support and consideration from Parliament, he would fare very badly. It was not necessary to dwell on this subject, which had been discussed on three or

four different occasions; and he trusted the House would allow the new clause to pass.

THE MINISTER FOR LANDS: As this subject had been thoroughly threshed out, he trusted the Bill would not be recommitted, for surely hon. members were heartily sick of it. In this amending Bill it had been sought to lay down the principle that these prior rights should be done away with. This had successfully been effected, and the Bill had been dragging its slow length along through second-reading and Committee stages; it had been agreed that these prior rights should no longer exist; and the request that these prior rights should be extended to the Eastern Division was only a repetition of what had already been debated. At present there was not much selection in the Eastern Division, and under Section 68 of the principal Act the pastoralist was pretty well protected, for the section provided that no land should be thrown open unless within 40 miles of a railway; so that outside that radius of 40 miles from the railway the land was not thrown open for selection on the terms proposed. The Bill had been postponed time after time to meet the convenience of hon. members; and now when it had reached the third reading, it was asked that it be recommitted for the purpose of undoing what had been decided by a large majority after due consideration.

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

Ayes	10
Noes	6
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Majority for	4

Ayes.	Noes.
Hon. T. F. O. Brinnage	Hon. J. W. Hackett
Hon. W. G. Brookman	Hon. R. S. Haynes
Hon. R. G. Burges	Hon. A. Jameson
Hon. E. M. Clarke	Hon. C. Sommers
Hon. C. E. Dempster	Hon. J. M. Speed
Hon. J. T. Glowrey	Hon. J. M. Drew
Hon. D. McKay	(Teller).
Hon. G. Raudell	
Hon. J. E. Richardson	
Hon. E. McLarty	
(Teller).	

Amendment thus passed, and the Bill recommitted.

At 6-27, the CHAIRMAN left the Chair.

At 7-30, Chair resumed.

New Clause:

HON. C. E. DEMPSTER moved that the following be added as a new clause:

The following section is substituted for Section 69 of the principal Act:—

"If any land applied for as a grazing lease is in the occupation of a pastoral lessee of the Crown in the Eastern Division, and such lessee is eligible to select or hold land as a grazing lease, the Minister shall, before approving such application, give such pastoral lessee, by written notice, the first opportunity of taking a grazing lease under the provisions of this part of this Act: Provided that no longer period than three months from the service of such notice shall be allowed to such lessee to make such selection."

A pastoral lessee should have the right to make a selection from any holding which he had.

THE MINISTER FOR LANDS: The Committee was evidently in favour of the insertion of this clause, therefore he would not oppose it.

Question put and passed.

Bill reported with a farther amendment, and the report adopted.

EXCESS BILL, 1899-1900.

Read a third time, and *passed*.

ROADS ACT AMENDMENT BILL.

RECOMMITTAL.

Resumed from 8th October.

THE MINISTER FOR LANDS: The Bill had been recommitted with the object of reconsidering Clause 10, which had proved rather a troublesome provision. The Works Department desired that this clause should be inserted, and he would read the reasons sent to him by that department:—

As regards fencing, doubtless certain large property holders may be alarmed at the proposal allowing swing gates to be put up instead of having both sides of a road fenced, if for no other reason than that it is very nice sometimes to have your paddock subdivided at the public expense. Where, however, this new provision might possibly bear hardly on any individual large landed proprietor if the law is left in its present condition it would militate most severely against the progress of districts, making it almost impossible to open up new roads because of the expense which is entailed in, what is nearly always the case, useless and unjustifiable fencing. It becomes a question, therefore, whether it is reasonable to conserve this more or less fanciful injury to large landed proprietors at the expense and general welfare and advancement of country districts. It must also be remembered

that the country is now granting large pastoral leases. These leases are probably "improved" within the meaning of the Act, when they are fenced, and consequently the board would have to fence on both sides of a road if they open up communications through a fenced pastoral lease, and surely the country does not intend to not only grant leases on exceptionally low terms, but at the same time place the lessees in a position to compel the country to go to the expense of useless fencing when they want to further closer settlement or open up further blocks further back. I will mention one case which has occurred within 20 miles of Perth. There is a land owner possessing 2,000 acres of land which is locked up and undeveloped. A cockatoo farmer had a small holding on the boundary of these 2,000 acres. The "Cocky," in order to gain access to the main road, got the Roads Board to declare a road through the 2,000 acres. The Roads Board, because the land in question was enclosed with a rickety fence, had to fence both sides of the new road for a distance of about two miles with a substantial fence, which I suppose could not have cost less than £160. The total annual grant made by the Government to the board amounted to £300; therefore, more than half of the yearly grant of the Government was absorbed in giving a road approach to a small land owner, when every possible reasonable requirement would have been attained if swing gates had been erected at a cost of, possibly, about 30s. This is a small instance of what cannot but be considered a flagrant waste of public money compelled by Act of Parliament. Leaving this special case on one side, it is easy to realise how, so to speak, a conspiracy can be evolved whereby the expenditure of public money in the interests of individuals can be foisted on a board. The Government have many applications for money to enable boards to open up necessary means of communication. They could open up necessary means of communication without going to the Government for anything if they were at liberty to put up swing gates, but as they are not, but have to fence, they are powerless to promote the interests of their district because, of course, the Government cannot give large grants for this purpose. For instance, would the Government have been justified in granting £160 to the roads board already mentioned in order to fence the road leading to a single "Cocky's" farm, as was done by the board in the above instance? There is no doubt that in most of the other States what are called "occupation gates" are largely availed of; the people there, doubtless, recognising that it is altogether unreasonable to fence both sides of a road when passing through country lands. It is difficult to realise why we cannot do the same here. Unless we liberalise matters in this direction and allow occupation or swing gates to be used, a very serious blow will be levelled at the advancement of the agricultural and pastoral districts. The Act provides for a fine or imprisonment for anyone leaving "occupation" gates open, and whenever an

"occupation" or swing gate is erected a notice might be put up alongside of it stating the penalties. This would be a reasonable precaution to take, in the interests of those through whose paddocks the road was declared.

That was the opinion of the Public Works Department, under which the Roads Act was administered. It was the desire of the department that this matter should be brought before the Committee, and that Clause 10 should be reconsidered. In small holdings only, if a road was made through a man's land the board would fence on both sides, but in large areas where settlement was occurring at the back, people had to go many miles to reach a railway station or a market. If swing gates were erected the destination could be reached by a shorter route. The funds of roads boards were very limited. The boards were largely dependent upon Government grants; and if roads through 10,000 or 20,000-acre paddocks had to be fenced, the funds must be increased ten or twenty fold. Where there was much traffic, no doubt the board would willingly erect fencing; but gates were sufficient in the other provinces, where settlement was much closer than in this country.

HON. R. G. BURGESS: What about the large areas round Melbourne?

THE MINISTER FOR LANDS: The areas there were not so large as here. Moreover, in Victoria, roads boards raised their funds by local rates, and had therefore more money; while here the rate was only 3d. or 6d. in the £ when the board taxed at all. To give facilities for closer settlement, there must be the power to make unfenced roads through large paddocks. He moved that Clause 10 be reinserted, modifying Section 59 of the principal Act.

HON. E. M. CLARKE: This matter, on which he felt strongly, had been fought out before; and he was prepared to fight it out again. He opposed the clause. Were it the law, he knew of cases in which a man would have his estate cut up by not one but two or three roads. For the present state of affairs the Government were greatly to blame, because in selling land they should see that each purchaser had proper access to his block. But it was unjust that a man should have an unfenced public road

made without his consent through his land; and moreover, if a railway were declared through private property, the Public Works Department should fence the land. He knew of instances where roads boards had, through sheer spite, sought to make roads through private property; and such roads would have been made had it not been for the section compelling fencing.

HON. D. MCKAY: The case quoted by the Minister for Lands was a most flagrant instance of waste of money; and people who would spend money in such a way were not fitted to have power to make roads through any man's property.

HON. G. RANDELL: The case cited by the Minister for Lands reminded him of another in which the circumstances were exactly the reverse. At a place within 50 miles from Perth, the members of the roads board were nearly all related. They got a road declared diagonally through another man's property for the purpose of saving the owner of the adjoining land the trouble of travelling a few yards farther than he had to do in order to reach a public road. There were several attempts to have this land cut up in order to give the owners of adjoining lands access to a public road which they could have had through their own holdings. There might be cases in which land could be taken by the board without injury to the owner; but where the land was stocked the road should be protected by a fence.

HON. W. MALEY supported the last speaker. It would be competent for the Government to resume land through small estates as well as through large. A person having land at the back of nine 100-acre allotments might require a road through one or other of these, and it would be manifestly unfair to declare a road through one and not through the others. Again, assuming that half a dozen roads converged at such a place, it would be competent to take one-twentieth of the land, and thus put more than one road through one block. It was dishonest that all the cost of a road should be thrown on an individual for the benefit of the many.

THE MINISTER FOR LANDS: The amendment would hardly apply to the case quoted by Mr. Maley.

HON. W. MALEY: The Minister had no experience.

THE MINISTER FOR LANDS: There would be no great hardship in going round a 100-acre block; and even if a road were made through it, the roads board would perceive that it was a case for fencing.

HON. W. MALEY: Not necessarily.

THE MINISTER FOR LANDS: They were elected in the same way as members of Parliament were, and injustices were done by Parliament the same as by these boards. In New Zealand, which was the home of close settlement, occupation gates were used, and if it was permissible in the home of small holdings it was permissible in this State.

HON. A. JAMESON: The roads boards were constantly referred to in the Bill, but that meant the Government. Every precaution was taken. The matter had been fully discussed previously, and on the second reading a majority of the members were in favour of the clause as it appeared in the Bill. The roads boards being comparatively poor bodies, were allowed to resume one-twentieth of the land, but the matter was referred to the Government of the day to see that no injustice was done.

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

Ayes	...	...	...	11
Noes	...	...	...	11
				—
A tie	...	...	...	0

AYES.
Hon. G. Bellingham
Hon. J. D. Connolly
Hon. J. M. Drew
Hon. J. W. Hackett
Hon. S. J. Haynes
Hon. A. Jameson
Hon. A. G. Jenkins
Hon. M. L. Moss
Hon. C. Sommers
Hon. J. M. Speed
Hon. R. S. Haynes
(Teller).

NOES.
Hon. T. F. O. Brimage
Hon. R. G. Burges
Hon. E. M. Clarke
Hon. C. E. Dempster
Hon. D. McKay
Hon. W. Mailey
Hon. E. McLarty
Hon. G. Raudell
Hon. J. E. Richardson
Hon. H. J. Saunders
Hon. J. T. Glowrey
(Teller).

THE CHAIRMAN: I shall give my casting vote with the Noes, so that the old Act will stand.

Motion thus negatived.

Bill reported, and the report adopted.

INSECT PESTS ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR LANDS (Hon. C. Sommers), in moving the second reading, said: This is a Bill to amend the

Insect Pests Act of 1898, and the amendments had been found necessary by the working of the Act so as to make the law more effective. Unfortunately we had in our orchards various pests, and what may become a great industry in the State, the producing and exporting of fruit, would be injured if something were not done.

HON. R. G. BURGESS: The codlin moth.

THE MINISTER FOR LANDS: Unfortunately we have worse pests than the codlin moth. It may be considered that some of the clauses of the Bill were rather drastic, but I can assure the House that the amendments which are proposed have been considered by the officers of the department, and all the amendments proposed are necessary in the interests of the fruit-growing industry. The present Ministry realise that the State has great possibilities, and during our term of office, be it long or short, we shall endeavour to see that every encouragement is given to an industry which has such vast possibilities before it. I think I shall be able to show in Committee how the various amendments will work. Therefore I will now briefly touch on the clauses. Clause 1 deals with the title. Clauses 2 to 7 inclusive have been placed in the Bill by the advice of the Crown Law Department, and deal with court procedure. There has been great difficulty in the past in obtaining convictions, and these amendments by the Crown Law Department make the process more simple. Clause 2 appears to give wide powers, but the object is to do away with the secretary or other officer of the department attending in remote parts of the State to swear to documents. The latter portion of Clause 3 provides that in any prosecution by the board no fees shall be payable for the issue of summonses, and Clauses 4 and 5 provide that copies of all documents shall be admitted in evidence. These Clauses have been drafted by the Crown Law Department. Surely there can be no objection to a copy of a notice which has been previously signed by the Minister being admitted in evidence in any court. Clauses 6 and 7 provide for signatures of certain officers being recognised by the courts. This is desirable; and it is intended to save the attendance of any of these officers at court, for their attendance would mean a great loss of time to the State. Clause 8 enables the Minister to

deal in a more speedy manner with absentees owners, and provides for the service of the notice upon the agent or other person who is found to be authorised to deal with such land. Clause 9 is an amendment of Section 2 of the principal Act, and makes the term "occupier" embrace "lessee and any person found working on the premises," as well as the owner. This amendment has been found very necessary, as in country districts, and even in suburban areas, it takes a considerable time to ascertain the names and addresses of the owners or the tenants, though there is invariably someone working on the premises, and it is to be inferred that the person working on the premises will speedily communicate with the tenant or the owner for whom he is working. The definition of "plant" is amended by the words "or any part of the same." This is necessary to prevent the transmission of disease by cuttings or fragments of plants. Section 6 of the principal Act is amended by changing the designation of "Secretary for Agriculture" to "Secretary of the Department of Agriculture"; and by adding after the word "Perth" words to the effect that knowledge of the presence of disease, which it is required shall be reported, shall be presumed as on the date of its probable presence unless the contrary is proved. This section, which has hitherto been "more honoured in the breach than the observance," is necessary to enable the inspectors to locate disease; and the owner of the diseased property is required to report the same to the inspector within 24 hours after its discovery. That has been found absolutely necessary. Clause 11 repeals Section 7 of the principal Act, which is found to be unworkable owing to the length of time required to get the necessary Ministerial authority and *Gazette* notice before quarantine can take place. Quarantine is very necessary, and is to be provided for in a more simple manner in a subsequent clause. Clause 12 amends Section 8 of the principal Act by adding such words as will permit the inspector to take such steps as are in his opinion likely to prevent the spread of disease, though the orchard operated upon may not at the time be diseased. There is great difficulty in coping with the fruit-fly and similar pests. While we have the

power to destroy diseased orchards, one in the neighbourhood not diseased may be left to become a source of infection for the whole district.

HON. J. W. HACKETT: That means you may destroy all the orchards round an infected place?

THE MINISTER FOR LANDS: It really means that.

HON. J. W. HACKETT: Even if they be perfectly clean?

THE MINISTER FOR LANDS: That is so. I am not seeking to disguise the provision. Of course the question of compensation is a matter that may arise: it is for the House to decide whether compensation shall be paid. But it has been found, particularly in regard to the fruit-fly, that an orchard may be stripped and cleaned, but that an adjoining orchard, which was clean at the start, may be infected within a few weeks after the stripping of the first orchard which was infected; and the whole thing has to be gone over again, with the result that the fruit-fly, which is really more disastrous to the orchards than the codlin moth, and which is at present confined to a small area around Guildford, Perth, Midland Junction, and Fremantle, may become widely distributed; and if it be intended to cope with this disease, then resolute measures of this sort are absolutely necessary. If compensation is to be provided, that is another matter. Last year, it was found one orchard was clean; a few weeks afterwards the adjoining orchard was found to be infected; and the officers of the department say that the only way to cope with this fruit-fly, which at present is confined to a very small area —

HON. R. G. BURGESS: It is down south of Pinjarra, and it has been in the York district.

THE MINISTER FOR LANDS: I believe it is confined to what is known as the Swan district.

HON. R. G. BURGESS: I think you are wrong.

THE MINISTER FOR LANDS: I do not know. Officers of the department say the only way to cope with it is to absolutely starve it out by picking all the fruit in the neighbourhood, so as to prevent all possible source of infection. In Clause 12, Sub-clause (b.), quarantine is provided in a more simple manner than

in Sub-section 4 of Section 8, principal Act. A new sub-section, numbered five, gives power to pick fruit in the neighbourhood of a diseased orchard.

HON. J. W. HACKETT: What extent of country is included in "neighbourhood"?

THE MINISTER FOR LANDS: Of course, great care will have to be taken that no injustice is done, seeing that compensation would probably have to be paid; but this is meant to deal particularly with the fruit-fly; and last year our prosecutions showed it was necessary, in order to keep down the pest, which has not yet attacked a large area of country, but which, if it spread, will probably ruin the whole of the orchards of the State.

HON. R. G. BURGESS: It has been here for years, and has not done so.

THE MINISTER FOR LANDS: We do not know it has been here for years, but we do know that practically the whole of the orchards in the Swan district are now so infested that unless some drastic steps be taken, it will spread through the whole of the State. In America very drastic steps have been taken; and if not, the fruit-growing industry there would have been crippled. We know that the fruit-fly is a greater pest than even the codlin moth. The codlin moth is not here, and the Government are doing all they can—

HON. R. G. BURGESS: To bring it here.

THE MINISTER FOR LANDS: No. We bring cheap apples here; but we trust the codlin moth will never gain a footing. A new Sub-section 6, of Section 8, provided in the Amending Bill, enacts that the certificate of the inspector that the work ordered by him has not been done shall be sufficient evidence of failure or neglect or refusal on the part of a person to do the work. That is all I have to say about this Bill. I am assured that the Bill is necessary. I admit it is drastic.

HON. G. RANDELL: What is the purpose of Section 7 of the principal Act?

THE MINISTER FOR LANDS: It is very long. It deals with the declaration of "infected places," and the first part of it provides that if at any time it appears to an inspector or other authorised person that any disease exists or has within the preceding three months existed,

in any orchard, or amongst the plants there growing, and that in order to eradicate or prevent the spread of such disease such orchard shall be declared to be infected, he shall notify that fact to the occupier of such orchard, and also to the Secretary for Agriculture, who shall notify the same to the Minister, whereupon the Minister may, by notice published in the *Gazette*, declare such orchard and the surrounding land an infected place within the meaning of the Act. This roundabout way of taking this procedure destroyed the object we had in view; that is to deal promptly and efficiently with an outbreak of disease.

HON. J. W. HACKETT: Could you not simplify the method without these very drastic steps?

THE MINISTER FOR LANDS: I do not know how we could. These have been carefully considered by the Crown Law Department, and the officers of that department think they are necessary. The procedure under the old section took so long that the disease could not be coped with at an early stage; and it is found to have assumed such alarming proportions that it has become impossible to deal with it under the existing Act. One of the departmental experts recently showed me through a microscope the effect of some of these pests, and the ordinary scale known as the black scale is a small excrescence which affects particularly the peach trees. We filed one of these off, emptied out the contents of the covering, and under the microscope we found, I suppose, quite 2,000 eggs in one of these tiny shells or nests made by this scale; and one could see the alarming extent to which these pests will spread unless speedily dealt with. To combat that particular scale, spraying used to be the mode adopted; but the amount of spraying that would kill the disease would kill the tree, so other steps must be taken to minimise this evil; and I suppose what would apply to this particular scale would apply to the others. They grow and extend with a rapidity which is amazing to those who have not studied the question. I leave this Bill in the hands of hon. members. It is said to be necessary; I believe it is; and I move the second reading.

HON. J. W. HACKETT (South-West): I second the motion in the ab-

sence of a Minister of the Crown (Hon. A. Jameson), who, I suppose, cannot always be in attendance. However, I do not second it because I altogether approve of the Bill. I am willing to see it pass its second reading, and that some time may be given us to consider it before it goes into Committee, so that we may consult some gentlemen outside who are well versed in these matters. It seems to me that the step proposed to be taken will be going too far. It may be that the principal Act, the Act of 1898, requires simplification. It certainly requires that the machinery should be improved and steps taken to alter not only the circuitous means by which its objects are supposed to be secured, but, farther, the means by which prosecutions are carried on, and by which the decisions of the court may be enforced. I am quite with the Minister that there is room for improvement in those regards; but he goes farther, and gives larger powers than I am inclined to think the country is disposed to confer on subordinate officers. It will be observed that in some cases powers given to the Minister are abrogated, and those powers vested in an inspector or other authorised officer. That will require careful consideration. For my part, with regard to these insect pests, while I am willing to proceed to almost any extent in order to keep them under control, because I recognise they will be the grave of our fruit industry unless they are coped with, yet I am not sure that in adopting the American legislation of which a good deal of ours is a transcript, we are not taking one-half which is fairly good, and leaving the other and the more valuable half unattended to. In America, not only do they adopt this repressive legislation, and very excellent work it has done there, but they take steps to combat these pests; and one of the most valuable institutions in certain parts of America exists for the cultivation of insect pests; and the object of these experimental farms is to discover, if possible, parasites or insects that prey upon the pests which are the curse of the country. We have found no enemy to cope with the codlin moth except the human hand and the human brain. As to the ladybird and the Colorado beetle, we know what has been accomplished; but no parasite has been found that, once set to

work, will keep the codlin moth out. A little money might be given in this experimental direction, instead of making the provisions of the Bill not only more drastic, but of a cruel character. An inspector comes down to an orchard—and there is no guarantee as to the qualifications of the inspector—he finds a few diseased fruit, even the red spider, which in many districts is innocuous, but which the fruitgrowers are sedulously extirpating. The inspector has the power to destroy the clean fruit within a certain radius of any diseased trees. I would like some higher authority in whom we could place more confidence, and whom we could call to account if the powers mentioned were abused; but at present ignorant men were called upon to exercise the duties. I support the Bill, and welcome the efforts of the department; but if we pass the second reading of the measure I hope the Minister will give us many days to consider the provisions, so as to mitigate the severity of some of the clauses.

HON. G. RANDELL (Metropolitan): This is a very drastic Bill. I thought the Act of 1898 was a drastic one, and I had some little compunction when moving the second reading. However, it was my duty to do so, and I did it because I thought it might have a protective effect on the orchards. Still I think I shall hesitate to advance these powers in the direction indicated, because there is a probability of all orchards in a certain district being destroyed by inspectors. I think there is a considerable amount of doubt as to the means employed by the department for the extirpation of disease. I will give an instance of what occurred at the residence of the ex-Chief Justice. When one of the inspectors visited his garden, the officer expressed his opinion that it was in good order and condition, but that there was one fig tree, and he indicated the position of the tree in the garden, which would have to be destroyed. I have the authority of the ex-Chief Justice for stating this: I heard of the facts of the case, and I took the trouble to ask him if they were correct. The ex-Chief Justice said they were, and that I could use them as I liked. The ex-Chief Justice asked the inspector to show him the tree which would have to be destroyed, and the inspector

took him to a castor-oil tree. In my own garden I found that the fruit fly had got on to a peach tree, and I stripped that tree of all the fruit I could see. However, three or four peaches were left, and the inspector came down, and it is a curious fact that the inspector always took care to come to my place when I was not there and leave messages with the servants. The same practice was adopted in regard to other people's places. Then comes what I call an insulting notice in the circumstances, because people are endeavouring to do what they can. In the winter my fig trees have a peculiar way of starting to put forth figs when they ought to be losing their leaves. The inspector came down, and said that the figs, which were as hard as marbles and which no fruit fly could penetrate, would have to be taken off. I thought this the height of ignorance or insolence. That shows the way in which the Act has been used, yet people have no remedy. On one occasion an inspector came to my garden, and I remember distinctly putting a few questions to him, and the answers he gave showed that he had not the remotest idea of fruit disease or of a garden. That is the sort of man employed, and who puts people to inconvenience and loss. Every man who has a garden tries to do the best he can. I had the black scale on some orange trees, and I received notice that I had to syringe them with a certain liquid, but I cut the trees down and destroyed them because I would not go to the trouble of syringing the trees. To give the authority which is proposed by the second clause of the Bill I think would not be right. It is an undue authority, and more, it releases the inspectors from the obligation of reporting to the secretary, and the secretary from reporting to the Minister. All the precautions are removed. As to the Bill passing the second reading, I do not propose to move an amendment that it be read this day six months, because I think that would be an improper course with a Bill such as this; but we must look carefully through the measure and see that it is surrounded with safeguards, and place the powers in the hands of responsible persons. Many persons allow their gardens to become a regular wilderness overgrown by weeds, but these persons are left alone,

while the inspectors go to those gardens which are properly tended. There is a good deal of feeling throughout the country in regard to the Insect Pests Act; still we are asked to go farther. The object aimed at is a good one, that of eradicating the pests; still the provisions are too drastic and should be modified.

HON. W. MALEY (South-East): The remarks which have fallen from Mr. Hackett have my entire sympathy and support. I think it would be advisable if this Bill were read a second time this day six months, and in the meantime the valuable hints thrown out by Mr. Hackett might be taken into consideration by the Minister for Lands, and some information obtained on the subject of insects that prey on one another. I know the ladybird, which has been referred to by Mr. Hackett, is a very useful insect in the orchard in removing other pests. There is a good deal in what the hon. member says, but such a measure as this is really a deterrent to persons selecting land in the State. Anyone who has an idea of starting an orchard or selecting land may be deterred from doing so; therefore I hope the Minister will not press the Bill in its present form, but withdraw it and consider the suggestions which Mr. Hackett has thrown out.

HON. E. M. CLARKE (South-West): I have much pleasure in speaking to the Bill, and my attitude is simply this. I feel much inclined to eradicate the Bill as it stands. So far as the practical utility of the measure is concerned it is useless, and members have pointed out that it is the incompetent officers of the department who render the measure useless. I could give numbers of instances. I have a considerable area of orchard, and although I have held one orchard for 10 years, I have never seen an inspector on the ground: the inspectors always find their way to the orchard when I am not at home. On the last inspection the officer made his appearance six weeks after a hailstorm had passed over the orchard, and he said that the fruit trees had the black spot very badly. My man resented this very much, because he takes a great deal of care in keeping the orchard clean, and the man asked the officer how it was that all the trees were right on one side, and that the spot only affected the trees on one

side. It appeared to be a kind of lopsided disease. My man convinced the officer that it was nothing less than the hailstorm which had passed over the orchard and had spotted the trees. The officer was incompetent, and I think the reason is that sufficient money is not provided to get good men. I am speaking of the facts as far as the application of the Act is concerned, and I say the administration has been nothing but absolute nonsense from first to last. I have always taken a pride in keeping my place clean, and I have spent a large amount of money on it. The only remedy I have for disease is a colony of ladybirds which I have established in the orchard. The ladybird defies the scale. There was an inspection carried on in Bunbury, and we were compelled to put all our imported trees into a tongued and grooved deal box, through the crevices of which a penknife could be inserted. There was some nostrum—I can call it nothing else—stuck inside that along with the trees. They were left there so many hours; we were charged so many shillings; and the trees were then supposed to be absolutely clean. Was the Act to blame for that, was the department to blame, or who was to blame? Was it the importer? In one instance, I had some plants consigned to me from South Australia. Some fortnight or three weeks after they had been fumigated there were three or four lovely black snails on them. These had run the gauntlet of all the fumigations; and there they were in all their glory, fat and flourishing. My attitude is that as a fruitgrower I would hail with delight any measure which would tend to eradicate fruit pests; but it is not the Act which is at fault: it is the way in which the Act is applied. And so as soon as I see that the Act as it stands is carried out, and is of some benefit to the fruitgrowers, it will certainly have my entire support; but at the present time, I feel very much like moving an amendment that the Bill be read this day six years, not to say six months. As a fruitgrower, I have had absolutely no assistance, directly or indirectly, from the department, towards the eradication of disease. On the contrary, I have been hampered by the department. Of that I can give several instances, which I can prove by docu-

mentary evidence. It has been discovered that my orchard has not been registered. I have explained that it has been registered. Twelve months afterwards another inspector has discovered it has not been registered, and I have had to prove that it has been registered according to law. I say, to me the department has been a downright nuisance, and absolutely of no assistance whatever. In one or two instances, through the neighbouring orchards being somewhat infected by disease, my orchard has contracted it, and I have had to cope with it; but I feel that all the laws we can make here are absolutely worthless until the staff of officers whose duty it is to carry out those laws is very different from the staff we have at the present time.

THE MINISTER FOR LANDS (in reply): I have listened with great pleasure to the remarks of Mr. Hackett, and I may say for the information of hon. members that the very plan they have advocated—the appointment of some qualified person who would make it his business in a scientific way to introduce some parasites which would prey on our fruit pests—has been adopted as the very best means of keeping down the pests which have become so troublesome. I am pleased to state the department have secured the services of Mr. Compere, an officer from the State of California, who has had great experience, and whose services I think we are lucky in having obtained. He tells me that every pest we have has some parasite which preys upon it, and the trouble is to find out what that parasite is, and then to introduce it to this State to prey upon the particular pest which it is designed to eradicate. But he points out that in introducing the parasite which is to prey upon the fruit-fly, we must take good care that we introduce that parasite without another attached to it. There is a small parasite which preys upon the fruit-fly parasite.

HON. J. W. HACKETT: "And so *ad infinitum*."

THE MINISTER FOR LANDS: That has been the experience in California; and if we can introduce this parasite free from the one which preys upon it, it will multiply here and eradicate the pest. He tells me—and I am sure Mr. Burges will be pleased to know this—that here in Australia there has been discovered a

parasite which preys upon the grasshopper, and that in New South Wales it can be obtained. It is a species of fly which, if introduced without its parasite, will eventually have the effect of causing the extinction of the grasshopper, or will keep it within reasonable limits. The fruit-fly is a native of the Mediterranean coasts, where, however, it is not seriously regarded by fruitgrowers, because its parasite keeps it down. We must send to those countries and get the parasite if the pest cannot be kept down by other means; and so on right through the piece. The experience of the great fruit-growing States of America is at our disposal; and we anticipate putting the department on a much better footing than it has occupied in the past. I admit that in the past those inspectors of orchards have been unqualified men, who knew little or nothing about the business they were supposed to carry out; and it will be my duty, as Minister of that department, as far as possible to see that these inspectors have proper qualifications. We have now an expert who can put these inspectors through a course of examination; and if they fail, they will be cast out into utter darkness, so far as I am concerned. I do not say that these Bills I am introducing are perfect; but in the multitude of councillors there is supposed to be wisdom, and I suppose, when the Bills leave us, they will be a great deal better than their predecessors. If not, others besides myself are to blame. But seeing the great possibility we have before us as a fruit-growing country, I think we should give every assistance to our orchardists, in the early stages of the industry, to eradicate pests which, if not kept in check, will probably become a great curse. I have great hope that the advent of this officer will enable us to cope with them in a scientific manner, by introducing the natural enemies which scientists have proved to exist, and which in many cases exist in the neighbouring States of Australia; and if we can import them to prey upon the pests already established here, we shall have, I believe, a prospect of making this a great fruit-growing State, as nature has evidently intended it to be. I agree with the proposition that if this Bill pass its second reading, we take the Committee stage, say, on next Thursday week. That

will give members ample opportunity of considering the measure. I hope then to be prepared with farther information regarding the working of the old Act, of which I trust this Bill will prove an acceptable amendment.

HON. R. G. BURGESS (East): I move as an amendment:

That the Bill be read this day four weeks.

THE PRESIDENT: That carries no weight at all; because the Minister for Lands has just proposed that the Bill be considered in Committee on Thursday week. If the hon. member wishes to throw out the Bill, he had better move that it be read this day six months.

HON. R. G. BURGESS: As it is so late in the session, as it is the intention of the Government to try to get the business over early next month, and as I believe the Premier is to go away on important business to represent this State at a conference in Melbourne, it is too late to bring in drastic amending Bills of this sort.

THE PRESIDENT: If the hon. member does not wish the Bill to be considered this session, the proper motion is that the Bill be read this day three months, or this day six months.

HON. R. G. BURGESS: I do not want altogether to throw out the Bill; and my reason for moving that it be read this day four weeks is that we have come to that stage in the session when we may not have time to consider it; but, in any case, we have plenty of matters on the business paper to carry us through the session, without such a drastic measure as this Bill. After the action of the Government with regard to the codlin moth, I think it is rather extraordinary for the Minister for Lands, who was the principal mover in that matter, to introduce a Bill of this kind; because it is well known to everyone who takes an interest in fruit-growing that the introduction of apples here involves a great danger of the codlin moth being wilfully introduced. So far as I know, there is no Act in force by which a man can be punished who introduces that pest, and it is well known that the object of certain persons is to introduce apples here without any restriction whatever. That is what is coming. They have tried to do it here already. It is well known to everyone who reads the

Perth newspapers that certain persons have already brought insects from other States to the Bureau of Agriculture, and have tried to make out that the codlin moth exists here; and the reason why they have done so is obvious. And here we have the Minister for Lands introducing this measure. What is to be the effect of it? To wipe out the fruit industry altogether. Here, as Mr. Hackett has pointed out, we have an orchard affected with the fruit-fly, which attacks peaches, nectarines—one of the most profitable fruits we have—quinces, lemons, and oranges; and if this Bill be allowed to pass—as very likely it will pass just as it is, at the latter end of the session, when half-a-dozen Bills must pass in one night—the whole of our fruit trees may be rooted out, because an ignorant inspector can condemn one vineyard, and then at once destroy all the vineyards within that district, or all the orchards with all the fruits liable to be infected by the fruit-fly. I think the Minister must be misinformed when he says the fruit-fly is confined to Perth and Fremantle. We know it has been found in the York district, and there must be records of that in the department. That fruit-fly I believe is beyond a doubt in the Pinjarra district, and may be in a great many other places too. It is far beyond the radius the Minister has mentioned.

THE MINISTER FOR LANDS: Do you know that of your own knowledge?

HON. R. G. BURGESS: I know that. I know one case in York of fruit being sent down to Perth from a garden. I shall not mention the man's name. Another man told me that he had it in his orchard at Pinjarra. But fancy introducing a Bill in this State to give such power to ignorant inspectors! I have heard of a case which can be confirmed by members of this House, where an inspector went to an orchard within 20 miles of Perth and told a certain man that he had the San José scale in a pear-tree. The orchardist said he did not think that was so: another inspector had passed it in previous years. So the magnifying glasses were produced, and the inspector maintained that it was the San José scale. After the orchardist remonstrated with him, he said, "Well, before you grub up this tree, I will take

a specimen of the scale in to the Bureau of Agriculture, and have it tested to see whether it is or is not the San José scale." That was done, and in two or three days the inspector informed him it was green scale. That is another example. If these ignorant men condemn fruit trees as being diseased with San José scale, all the orchards in the neighbourhood may be destroyed. No capitalist would invest his money in an orchard when there is a chance of all the trees being cut down. I do not want to oppose legislation of this sort, for I welcome anything which will protect the fruit trees; still I think this Bill should go to another session of Parliament.

HON. C. E. DEMPSTER (East): It is quite evident from the expression of opinion of members who have spoken that they do not think this Bill is a desirable one. It is too stringent, and must end in a great deal of injustice being done. The Act already in existence is stringent enough: the Hon. G. Randell considered it too stringent when he brought it forward in a previous session. Before the Act has had a proper test, the measure is to be made more stringent. Diseases have been allowed to continue in orchards because we have not had competent inspectors. There may be incompetent inspectors who consider it is necessary to destroy orchards when it is not necessary to do so at all. I know of a certain orchard in the Swan district which has had the fly in it for years, but last year the fly was not nearly so troublesome as it was years ago. The evil is not increasing in the way in which many hon. members would imagine. I do not pose as an authority on this matter, but this Bill has been brought forward too late in the session, and if passed in an ill-considered manner will do a great deal of harm. Therefore I move, as an amendment:

That the Bill be read a second time this day six months.

HON. E. McLARTY (South-West): I cannot support the amendment. As a member of the advisory board, I may say this matter has cropped up on several occasions, and the advisory board and the Department of Agriculture are doing what they can to lessen the disease. Personally I am not in favour of the present drastic measure. I am opposed

to inspectors having power to go from place to place and order the destruction of fruit trees, when probably they know nothing about the disease of fruit. Many of the inspectors who go about the country have very little knowledge of the subject with which they have to deal, and in this way orchards which are not affected with the disease are liable to be condemned. It seems that there is a desire to assist the Government in improving the present Act; but if such a measure as this is passed, many orchards and vineyards which are carried on in a small way now will have to be done away with. If anything is done to prevent the spread of disease, I shall be only too glad. Last session I saw a large quantity of peaches destroyed in my district because they had what was supposed to be the fruit fly on them.

HON. C. E. DEMPSTER: Was that the first appearance there?

HON. E. McLARTY: I think not. But last season the disease occurred principally among the old trees, and the young trees which were vigorous and healthy did not take the disease: the old trees which were beginning to decay were very badly attacked. I shall not support the amendment, because I think the Bill is worthy of consideration in Committee. I certainly shall not give the Bill, as it stands, my support. I have always opposed inspectors having the power to go about the country and condemn trees or order people to do this, that, and the other thing, when they have not a good knowledge of the disease of fruit trees. I hope members will adopt the suggestion of Mr. Hackett, pass the second reading, and take time to consider the measure in Committee.

HON. S. J. HAYNES (South-East): I shall support the amendment moved by Mr. Dempster, on the ground that it seems to me that this is a question of administration rather than one for fresh legislation. I am glad it has been pointed out that the Bill is exceedingly drastic; and it seems to me, in glancing over the old Act, that there are plenty of provisions dealing with the insect pest which, if properly carried out, would do all that is needed. Judging from the remarks which have fallen from members, it seems that the inspectors sent round

go to extremes, and whilst such men are employed no Act can be a success. If this Bill is passed it will lead to a great deal of trouble and dissatisfaction. In the circumstances I shall support the amendment moved by Mr. Dempster, because the Bill is too drastic. If the present Act is carried out it is sufficient to provide for all cases.

THE MINISTER FOR LANDS (in reply): Any measure which deals with the eradication of pests in orchard trees and fruit trees is naturally of a drastic character. It may be thought that the department is anxious to do away with orchards and vineyards, and consequently some persons' occupations would be gone; but although this Bill appears to be drastic, when it is considered in Committee we can amend it so that the measure will be worth having. The fruit industry is a very good one in the State, and by our geographical position, our climate, the rainfall, and the soil, it can be made a splendid industry. We are close to the home markets, and our fruit can ripen at a time when the fruit in the other States is backward. Therefore we have great possibilities before us. Farther powers are required by the department to eradicate diseases. We have had no experience of the fruit-fly in the York and Pinjarra districts.

HON. R. G. BURGESS: Oh, yes.

THE MINISTER FOR LANDS: If the fly is in these places, it is plainly the duty of the orchardists when they discover the pests to report them. Diseased orchard trees should be stripped in the interests of the many. The department wish to make this a good fruit-growing country, and I am sure if the Bill passes its second reading there are a sufficient number of members in the House qualified to give their serious attention to the subject and to make the Bill a good one. I hope hon. members will be prepared to allow the Bill to be read a second time and to go into Committee, when it can be amended.

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

Ayes...	9
Noes	5
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Majority for	4

AYES.
 Hon. R. G. Burges
 Hon. E. M. Clarke
 Hon. C. E. Dempster
 Hon. J. M. Drew
 Hon. S. J. Haynes
 Hon. D. McKay
 Hon. W. Maley
 Hon. J. E. Richardson
 Hon. T. F. O. Brimage
 (Teller).

NOES.
 Hon. J. W. Hackett
 Hon. A. Jameson
 Hon. G. Randell
 Hon. C. Sommers
 Hon. E. McLarty
 (Teller).

Amendment thus passed, and the Bill arrested.

NOXIOUS WEEDS BILL.

WITHDRAWAL.

THE MINISTER FOR LANDS (Hon. C. Sommers): This is another of those Bills dealing with pests. However, as the last division has shown that it is the opinion of this House that the country should be overrun with pests, and that the majority of members agree with their noxious character, I think I shall withdraw the Bill. I move accordingly.

Question put and passed, and the Bill withdrawn.

SALE BY MORTGAGEES BILL.

SECOND READING.

HON. J. M. SPEED (Metropolitan-Suburban), in moving the second reading, said: I think this Bill is badly required in Western Australia. Unfortunately, I have had to go to New Zealand for it; but it has been in force in that country for 40 years. As most hon. members are aware, when land is put up for sale by a mortgagee, the law in Great Britain and the law here provides that the mortgagee cannot bid at the auction; and consequently there is very often an attempt made to evade the law. Frequently, in order to avoid the expensive, tiresome, and tedious system of foreclosure, some friend or relative of the mortgagee goes to the sale; and although he is ostensibly the bidder, yet if the true facts of the case were known, he would not be entitled to be the purchaser. This Bill seeks to remedy that defect. There is no necessity for me to refer to a case which occurred not very long ago in Perth; but I may say that a perfectly innocent man actually lost over £2,000 through the fact of a law of this sort not being on the statute book.

HON. G. RANDELL: I think he lost £1,000.

HON. J. M. SPEED: From what I heard, it was £2,000; but whether £1,000

or £2,000, that is only one instance out of what I feel assured would be many, if the facts were known in every case; and if that be so, a Bill of this nature may fairly be put upon the statute book in this State. By this Bill, it is possible for a mortgagee to ask the Registrar of the Supreme Court to sell the land; the mortgagee can bid at the sale; and if he be the highest bidder he shall become the purchaser. It saves all the expense of the tiresome process we have at present under the Transfer of Land Act. I have consulted Mr. W. F. Sayer with regard to the Bill, and he has suggested a few slight alterations which I propose to make in Committee; and without saying anything farther in support of the measure, I move that it be read a second time.

HON. J. W. HACKETT: Is it exactly the same as the New Zealand Act?

HON. J. M. SPEED: Practically the same.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3—Mortgagee with power to sell may apply to Registrar of Supreme Court to conduct sale of mortgaged premises:

HON. J. M. SPEED moved that the words from "whereas," in line 1 to "mortgagees" in line 5, inclusive, be struck out. Such words he would have inserted as part of the preamble.

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

Clause 4—Registrar to take proper steps:

HON. R. G. BURGESS: The clause provided that the registrar should fix a time for sale within three months of the application. It would be far better if this time were limited in the Bill. The sale might be fixed for the next day. There ought to be a limit of at least a month.

HON. J. M. SPEED: The instrument of mortgage invariably stated within what time the power of sale could be exercised. Until default had been made, it was not possible for the mortgagee to sell; nor would the registrar, until satisfied that the mortgagee was entitled to a sale, authorise such sale in the ordinary course.

Clause put and passed.

Clause 5—Mortgagee may become the purchaser :

HON. J. M. SPEED moved that the word "any," in line 2, be struck out, and "the" inserted in lieu. In New Zealand there were different districts: here there was only one registrar.

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

Clause 6—Conveyance or transfer may be made by registrar as mortgagee :

HON. J. M. SPEED moved that the words "his heirs, executors, administrators, assigns, or transferees" be struck out, wherever they appeared. The object was to insert fresh words whereby the term "mortgagee" should include the executors, administrators, or transferees of the mortgagee. In Clause 5 the word "mortgagee" appeared without "executors, administrators, or transferees."

Amendment put and passed.

HON. J. M. SPEED moved that in lines 7 and 13 the word "deed" be struck out, and "conveyance" inserted in lieu.

Amendment put and passed.

HON. J. M. SPEED moved that in line 24 the words "or they" be struck out, and in line 25 the words "or them" be struck out.

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

Clause 7—Remuneration to Registrar :

HON. J. M. SPEED moved that in line 1 the word "he" be struck out, and the following inserted in lieu: "The mortgagee shall in the first place provide the expenses incurred in relation to such sale which shall be repaid out of the moneys arising out of such sale, and the registrar."

Amendment put and passed.

HON. J. W. HACKETT moved that in line 5 the word "half" be struck out.

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

Clause 8—agreed to.

New Clause :

HON. J. M. SPEED moved that the following be added as a new clause:—

The term mortgagees, wherever used in this Act, shall include executor, administrator, assign, or transferee, as the case may be, of such mortgagee.

Question put and passed.

Preamble :

HON. J. M. SPEED moved that the following be inserted at the commencement of the Preamble :

Whereas it is injurious to the interests of both mortgagors and mortgagees that mortgagees are prohibited from being purchasers of the mortgaged property at sales by auction under the powers of sale vested in mortgagees.

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

Title—agreed to.

Bill reported with amendments, and the report adopted.

DIVORCE AND MATRIMONIAL CAUSES BILL.

IN COMMITTEE.

Resumed from 8th October.

Preamble and title—agreed to.

Bill reported without amendment, and the report adopted.

ADJOURNMENT.

The House adjourned at 9.45 o'clock, until the next day.

Legislative Assembly.

Tuesday, 15th October, 1901.

Petition: Coupon Trading—Petition: Mrs. Tracey, Lands Transferred, alleged Wrongs—Papers presented—Motion (urgency): Blackmailing a Judge; charge against *Sunday Times* (negatived)—Question: Assurance Companies, Deposits—Question: Storing Sandalwood at Fremantle—Question: Railway Strike, Reinstatement—Question: Customs Surcharge on Invoices—Question: Fruitgrowers' Association, Train Facilities—Motion: Extra Sitting Days (negatived)—Wines, Beer, and Spirits Sale Amendment Bill, first reading—Public Notaries Bill, in Committee *pro forma*—Conciliation and Arbitration Bill, in Committee *pro forma*—Public Works Committee Bill, second reading—Excess Bill (1901), second reading, in Committee, reported—Early Closing Act Amendment Bill, second reading, in Committee, reported—Prawn Fishing Act Repeal Bill, second reading, in Committee, reported—Fourth Judge Appointment Bill, in Committee, reported—Criminal Code Bill, Recommittal, reported—Permanent Reserves Amendment Bill, second reading (moved)—Roads and Streets Closure Bill, second reading—Land Drainage Amendment Bill, second reading—Adjournment.

THE SPEAKER took the Chair at 4.30 o'clock, p.m.

PRAYERS.