

there was no waste or excess. This House would be the first to blame the Government if sufficient funds were not found to meet the wants of the hospitals. In many places the need must be immediate to do good and the saving of valuable lives was of more importance than the expenditure of a few thousands.

MR. RANDELL would like to say that every member of the House was anxious to do all he could to relieve the sick. The hon. member for West Kimberley had thoroughly misunderstood the position the position of the hon. member for Fremantle, but then he was in the habit of misunderstanding members. It was possible that, the attention of the Government having been drawn to the matter, increased care would be taken in keeping the expenditure within bounds.

MR. MORAN enquired if this was the proper time to refer to the request of the Mayor of Coolgardie for the provision of sanitary arrangements outside of the boundaries of the municipality.

THE CHAIRMAN: The question is not before the Committee. You can bring it on later.

MR. MORAN desired to say a few words on the general question. Hospitals had sprung up in large centres of population, and the expenditure, being necessary, should not be restricted. It was only during the last year or two that the goldfields had become so thickly populated, and rendered these hospitals necessary.

MR. LOTON did not dispute the necessity for this expenditure, but thought it showed there was another side to the golden picture of the goldfields. It was now evident that if they gave a big revenue they had a big return in expenditure.

MR. ILLINGWORTH enquired why no provision had been made this year for a Hospital at Day Dawn.

THE PREMIER (Hon. Sir J. Forrest) replied that the necessary expenditure was provided under another item in the Estimates. It came with the provision of £2 10s. per head for patients.

MR. MARMION desired to refer to a rate already passed.

THE CHAIRMAN: It cannot be done now. It is too late.

Upon the question, "Medical, £32,357," being put, MR. MARMION desired to speak on the general question of the department.

THE CHAIRMAN: It is too late for that now. We have gone beyond that. I have been very anxious to allow members every opportunity, but we must have some order.

MR. MARMION: Then I must say that the hon. gentleman is the most critical gentleman I have ever known to occupy the chair.

THE CHAIRMAN: The hon. member must sit down.

MR. MARMION: Certainly, but you will see me rise again.

THE CHAIRMAN: I have already pointed out there is a proper way to criticise any decision of mine, and, unless that is done it must not be insinuated that I am wrong.

Voto put and passed.

Progress reported, and leave given to sit again.

ADJOURNMENT.

The House, at 10.5 p.m., adjourned until 4.30 p.m. next day.

Legislative Council.

Thursday, 22nd August, 1895.

Classification of Lands under Homesteads Act—Visiting Magistrate for Esperance Bay—Marine Survey for Esperance Bay—Telegraph Conveniences at Dundas—Lease of Abrolhos Islands—Supply of Railway Trucks—Arbitration Bill: third reading—Constitution Act Amendment Bill—Despatch from Secretary of State—Medical Act Amendment Bill; second reading—Fertilisers and Feeding Stuffs Bill: second reading: in committee—Railway and Theatre Refreshment Rooms Licensing Bill; first reading—Duties on Deceased Persons Estates Bill; first reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

CLASSIFICATION OF LANDS UNDER HOMESTEADS ACT.

THE HON. C. A. PLESSE, by leave, without notice, asked the Minister for Mines, whether the officer now engaged in classing lands under Part II. of "The Homesteads Act, 1894," had

been given instructions to classify the Government lands adjoining the Great Southern Railway, particularly those situated in the Williams District.

THE MINISTER FOR MINES: (Hon. E. H. Wittenoom) replied that the officer referred to was at present engaged in the Blackwood District, and had not yet received instructions with respect to lands adjoining the Great Southern Railway, or in the Williams District.

VISITING MAGISTRATE FOR ESPERANCE BAY.

THE HON. C. A. PLESSE, by leave, without notice, asked the Minister for Mines, Whether the Government intended to meet the wishes of the Esperance Bay settlers, in the request they had made for an extra Justice of the Peace and a visiting magistrate.

THE MINISTER FOR MINES: (Hon. E. H. Wittenoom) replied that the question referred to had been under the notice of the Government for some time. Justices would be appointed as necessary, but, up to the present, it had not been found necessary to appoint a Resident Magistrate.

MARINE SURVEY OF ESPERANCE BAY.

THE HON. C. A. PLESSE, by leave, without notice, asked the Minister for Mines, Whether the Government, in view of recent developments, were taking any steps to have a marine survey made of Esperance Bay.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied that the Government had not as yet taken any steps in this matter, nor had any appeal been made to the Government in the matter. The Imperial Government had been strongly urged to lend the Colony an Admiralty Surveyor, but without success as yet.

TELEGRAPHIC CONVENIENCES AT DUNDAS

THE HON. C. A. PLESSE, by leave, without notice, asked the Minister for Mines, When the Government intended to supply Dundas with telegraphic conveniences; and whether it was their intention to connect Esperance with Dundas by a direct line.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: As soon as Parliament voted the necessary money and the South Australian Government notified their intention of erecting their half of a duplicate line. It was not the present intention of the Government to connect Dundas and Esperance by a

direct line. The messages from Esperance to Dundas would go *via* Eyre.

LEASE OF ABROLHOS ISLANDS AND QUANTITY OF GUANO EXPORTED.

THE HON. R. G. BURGESS, by leave without notice, moved, "That a copy of the contract with Messrs. Broadhurst and McNeil, for the lease of the Abrolhos Islands, be laid upon the Table of this House, together with a return showing the amount of guano exported during the years 1892, 1893, 1894, and the yearly quantity sold in Western Australia during the same period." He said: I may say there are certain clauses under the contract which provide that the lessees are obliged to supply people here with the guano at the rate of 30s. per ton. This is not generally known throughout the country, and if, therefore, we have a copy of the contract laid on the Table, publicity will be given to the matter. Seeing that we are to have the Fertilisers' Bill before us, I should also like to know whether under it guano and such substances are to be supplied of a certain quality.

THE HON. C. A. PLESSE seconded the motion.

Question put and passed.

SUPPLY OF RAILWAY TRUCKS.

THE HON. F. T. CROWDER, asked the Minister for Mines:—

1. What number of railway trucks, high and low-sided, had the Government under order.
2. When might they be expected to arrive in Western Australia.
3. When would they be available to the public.
4. Had the Government any material for building trucks on hand.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied as follows:—

1. 50 sets ironwork for timber floats; 50 sets ironwork for low-sided waggons; 50 sets ironwork for high-sided waggons; 11 bogie freight vans, each of which is equal to two ordinary high-sided waggons.
2. About end of this month, per *Gulf of Genoa*.
3. About four weeks after receipt of ironwork.
4. The material for building trucks is ready.

ARBITRATION BILL.

THIRD READING.

This Bill was read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL.

DESPATCH FROM SECRETARY OF STATE.

THE PRESIDENT reported the receipt of the following message from His Excellency the Administrator :—

ALEX. C. OSSLOW,
Administrator.

With reference to the Bill amending "The Constitution Act," as regards the Aborigines Protection Board, passed by Parliament during its last Session and reserved for Her Majesty's assent, the Administrator has the honor to transmit herewith, for the information of your honorable House, the translation of a cablegram recently received from the Right Honorable the Secretary for the Colonies.

(Government House, Perth, 22nd. August, 1895.

Translation of Cablegram.

"Referring to despatch No 3 of 3rd. January, I am anxious to meet views of Colonial Government as far as possible. I am therefore, prepared to approve reserved Bill, omitting from Sec. 70 as much as places expenditure under care of independent unofficial Board, so that while permanent appropriation of £5,000 sterling secures requirements of natives, your responsible advisers would advise Governor as to management of fund same way as other expenditure. Despatch follows by mail."

MEDICAL ACT AMENDMENT BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM) : There is a Bill which was introduced in the Legislative Assembly by a private member, and I was informed that it would be placed in the hands of a private member of this House. The arrangement, however, does not seem to have been made, and, rather than see it fall through, I have undertaken to move the second reading. The Bill has been introduced to repair some of the alleged defects of the Act of last session, the principal one among them being to stop the wholesale number of medical men who are coming here, or who may come here to practice without having what is considered sufficient diplomas. Hon. members are aware that under the 13th Clause of Schedule II. of the Act of 1894, any person who shall prove to the satisfaction of the Medical Board that he has passed through a regular course of medical study of not less than three years duration in a British or Foreign School of Medicine, and has received a

diploma or degree, is entitled to practice in this colony. It is contended that this clause is too wide. It is said that it gives an opening to men to practice here which is not in the interests of the colony, and affords facilities which are not allowed in other countries. In Germany, France, or Canada, even those who have qualified at British Universities, are not allowed to practice as a matter of course, and therefore how hopeless would it be for any doctor belonging to this colony, or any person who qualified at a Colonial institution, to seek to practice in the countries I have named. It is contended under the clause I have referred to, that while these other countries do not offer facilities to our people, we allow persons from all parts of the world who can produce a diploma or certificate from a University or school in their own country to come here and practice. It is not necessary for them to show what particular standing the University from which they obtained the diploma may have and I am given to understand that many of the so-called medical institutions issue diplomas and certificates without being in a position to see that those to whom they are issued are qualified. The consequence is that those who hold such diplomas or certificates are not as capable or qualified as they should be. It is said, and no doubt will be said, that if we amend this provision in the Act of 1894, it will work a hardship and tend to keep the clever German or French practitioners from coming to this colony.

THE HON. F. T. CROWDER : Of the Chinaman.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM) : There is no examination they can go through here, and it is considered that, if these gentlemen from abroad do wish to practice here, they should first qualify themselves at some British University or College. If their foreign diplomas are good enough to be recognised by a British or Australasian institution there will be no difficulty; at all events these institutions are likely to know more as to the value of the various diplomas than we are. There will, therefore, be no hardship inflicted by the amendment contained in this Bill, which, I trust, will commend itself to hon. members. It is proposed to amend paragraph 10 of the second schedule of the Act of 1894 by striking out the words "or Colonial University" and substituting in lieu thereof the words "or legally constituted and recognised Australian Tasmanian or New Zealand University." It will then be perfectly plain that all doctors

who come to this colony must produce a certificate either from some British, or Australasian University before they can practise. With these remarks I move the second reading of the Bill.

THE HON. D. K. CONGDON: I have much pleasure in seconding this motion, because I think it is only fair that if a British or Colonial practitioner is precluded from practising in foreign countries, we should not admit foreigners to practice here without restriction. I know that in some of the Universities—the Heidelberg for example—a certificate is given merely upon the payment of a fee. I might say that I should like to see some residential qualification inserted in this Bill. There is one in the case of legal profession, and thus we have an opportunity of seeing whether the men are up to their work before we admit them. It is the more necessary in the case of the medical practitioner, because he works privately, and it may be a long time before the public find out his want of knowledge.

THE HON. C. A. PLESSE: Last year there was a discussion on this same subject, and it was then pointed out how such a provision as is contained in this Bill might shut out good men. If there had been a proviso by which men from recognised Universities might be admitted on payment of a fee I think it would have met the case, and would have met all that is required. It seems now that we are going to extremes, and although I shall not vote against the second reading, I think we should be very careful before we do away with paragraph 13 of the Schedule to the existing Act. We are cosmopolitan in most things. On our goldfields we allow Germans, Americans, and others, and only exclude the Chinese, and yet when it comes to the medical profession, we prohibit them.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): We do not prohibit them; we only ask them to get proper certificates.

THE HON. C. A. PLESSE: Practically it is prohibition. If they bring diplomas from Universities we recognise, why should they not be admitted? Certainly we have the right to make them pay a fee, but I do not see why we should compel them to go a roundabout way to enable them to practice, which means prohibition.

THE HON. J. W. HACKETT: I go with my hon. friend who has just spoken in believing that it may be as well to pass the second reading as there are certain abuses, or there are

what are likely to become abuses, which might be dealt with, and which this country would do well to be saved from. I also join with him in asking the House to be cautious, and to consider whether a sufficient case has been made out to lead them to reverse the decision of last session. This matter was brought before us in this identical shape last year, and the sense of the House was largely expressed in favor of there being regulations, but not total prohibition. I have listened to what the hon. the Minister for Mines has said in support of this Bill, and, as far as I understand his remarks, I gather there are two main reasons advanced in favor of it—one is that reciprocity does not exist between us (whatever "us" means) and the foreign medical schools, and the other is that a number of persons it is not desirable to see in West Australia, can get in and practise. With regard to reciprocity I fail to grasp its bearings. It appears that there has been some friction between England and Italy and Germany and the result is no reciprocity between the members of the medical profession in these countries, that is, that the members of the medical profession of one country are not immediately eligible for admission into the profession of the other country. But we can leave these countries' disputes alone. The question for us is whether we will cut off our noses in order to spite the faces of those foreign countries—whether we, in Western Australia, are to have the talent of the whole world available to us or not. In several other professions it is, as far as I know, available on certain conditions. Especially now, when the colony is anxious to direct to it all the talent that can be got from other parts of the world, we are asked to absolutely prohibit any person who comes from a foreign school of medicine, except on terms which involve great waste of time, and a greater cost than would be necessary to obtain a superior degree, to obtain a degree which many eminent men coming from these schools would regard as a humiliation. The list of qualifications includes fellow, member, licentiate of the Royal College of Physicians of London and Edinburgh, fellow or licentiate of the King and Queen's College, Dublin, licentiate to the Society of Apothecaries, London, and licentiate of the the Apothecaries' Hall, Dublin. I say that the class of men we are desirous of obtaining would not accept some of these qualifications, and, I say it with all respect to many illustri-

ous men who have been educated in these schools, who would consider it a humiliation to so add to their names. I freely admit that gentlemen who have no qualifications—gentlemen we do not desire to see here—may now obtain an entrance. I am glad therefore that this Bill has been introduced, and I hope it will be allowed to pass its second reading, with a view to its amendment in committee. At the same time I do say that although under the present law certain undesirable gentlemen may be admitted, it does seem clumsy and highly irrational—I will go so far as to use the word preposterous—for us to lay down that, however qualified in surgery or distinguished in medicine, we are to be prohibited from having the advantages of the great attainments of these men, simply because they have been educated in a foreign school. I say prohibited, because it is absolute prohibition by this Bill, unless these gentlemen submit to terms of degradation, or waste of time or money. I coincide with hon. members of another place in believing that the present Act may be too wide; but why close the whole of the door. Let us allow facilities for those whose names shed lustre on medical science to enter; make the terms such as will allow some loophole by which they can come in without the humiliation they would be subjected to if this Bill were to pass as it is. I shall vote for the second reading, but I trust that before the committee stage arrives, negotiations may be opened up with the Medical Board, so that some alteration may be suggested which will make the Bill less disreputable than it is at present.

THE HON. S. J. HAYNES: I shall support the second reading of the Bill. When the Act of last session was before us, I thought that it was a little wide, although I quite agree with a good deal that has fallen from the Hon. Mr. Hackett. Still the proposal leaves no loophole for quacks and humbugs who plunder the public. If this Bill is not passed as it stands, I hope the restrictions will be very severe. I notice that, according to present Act, only a three years' course is necessary, and to me that seems far too short. The French, Germans and Italians do not admit medical men qualified even at the London University, and, that being so, why should we admit their men here?

THE HON. J. C. FOULKES: When the Act of last year was before us I voted for the schedule as therein contained; but, since then, I have had cause to change my opinion. That which has caused me to change is the doctrine

of reciprocity. I know a case of a medical man who left this colony to practice in Italy, but the Italian Government refused to allow him to do so, except as regards English people. If therefore, other countries will not allow our men to practice why should we allow their men to do so here? I think, if we stand out, it may bring about reciprocity, and it is mainly on this ground that I shall support the second reading.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I should just like to say a word in reply to the Hon. Mr. Piesso. He stated that we were keeping people from recognised Universities out. We are are doing nothing of the kind. It is those from recognised Universities who will be able to come here.

THE HON. C. A. PIESSE: I did not say recognised universities.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I took down the words. If we recognise the Universities there would be no trouble. He next suggested that men should be admitted on payment of a fee, but I do not know that being able to pay is always a guarantee of capability. The only way I can see of getting over the difficulties suggested by the Hon. Mr. Hackett and the Hon. Mr. Piesso is to name every University which we will recognise.

THE HON. C. A. PIESSE: That is what I meant.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Surely from the institutions and colleges mentioned by the Hon. Mr. Hackett we can get enough talent for Western Australia, and if, beyond this, we want such great efficiency and such men of lustre as those to which the hon. member referred, and they desire to come here, it will not be much trouble for them to qualify through one of the institutions named. Certainly if their practice is of such minor importance that they would come here, they would not be degraded, as the hon. member said, by qualifying at a British school.

THE HON. J. W. HACKETT: What is the qualification of a British school?

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): It does not say, but as long as they have a diploma—

THE HON. J. W. HACKETT: There is a good deal of difference between these schools and Universities.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): Then that makes my argument

the stronger, because it will be easier to qualify at the schools. I do not think there will be any hardship in this Bill, especially as I do not believe the cleverest men will come here, although I should hail them, because we cannot have too much skill. Under this Bill there is a way in for the clever man; but no loophole for those who are not properly qualified.

Question put and passed.

Bill read a second time.

FERTILISERS AND FEEDING STUFFS BILL.

SECOND READING.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The transition from one Bill to another seems easy in this instance. In the last we were trying to regulate for the health of the people, and now we desire to provide that the fertilisers and feeding stuffs shall be good. The object of this Bill is to see that the fertilisers for the soil, and the food supplies for animals, which we hope will soon be used to a large extent by our agricultural population, shall be of good quality and of such a kind as shall be guaranteed by the seller. In the past many people who have been anxious to improve their holdings and get as much produce as they could from their land, have purchased different fertilisers and have often found that when they received the articles they were very inferior in quality. It has therefore been thought necessary to bring in this Bill, so that the farmers may be insured against purchasing an inferior article as far as possible. Farmers are not good chemists. They may be good judges of soil, but when purchasing fertilisers they are not able to say how much nitrogen or phosphates they contain. I do not think that the Bill will work a hardship upon anyone. Possibly some traders may find that it will give them a little more trouble in making out their invoices, but the enhanced price they will get will repay them, and the purchaser will not grumble when he knows that he is getting exactly the articles he is paying for. It is better always to pay a little more and get a good article, than to buy cheaply and find that what you have bought is of no use to you. It will be noticed that food stuffs have been included in this Bill. These are used very little in the Colony at present, but it is hoped that in the future they will be used to a great extent.

THE HON. R. G. BURGESS: Artificial food stuffs you refer to.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Yes. It is considered possible, in the near future, that these food stuffs may be used to a considerable extent, and therefore it has been thought proper to provide for them in this Bill, instead of having to legislate separately for them hereafter. The time has arrived when high class farming should be resorted to in Western Australia so that we may, if possible, stop the immense importations of agricultural produce which are now coming to the colony. I may just explain a few of the clauses of the Bill. Clause 1 states that every person who sells for use as a fertiliser any article shall sign and give to the purchaser an invoice stating name of article, whether it is artificially compounded and what is the least percentage of nitrogen soluble and insoluble phosphates and potash. That is to say that the article sold shall be what it is represented to be, and that the buyer shall know exactly what he is purchasing. I hope hon. members will understand that this Bill does not limit the merchant to selling any particular class of articles, but it says that what he does sell he shall set out on the invoice. Clause 2 deals with artificial food stuffs and states that every person who sells for use as food for cattle any article which has been artificially prepared, shall give to the purchaser a warranty that it is suitable for feeding stuff. Therefore, if feeding stuff is purchased and it turns out to be of no use it can be returned, and the sale rendered null and void. Clause 3 contains the penalties for breach of the duty by the seller. It says that if any person who sells any article for use as a fertiliser of the soil, or as food for cattle, commits any of the following offences, namely:—(a) Fails without reasonable excuse to give, on or before, or as soon as possible after the delivery of the article, the invoice required by this Act; or (b.) Causes of permits any invoice or description of the article sold by him to be false in any material particular to the prejudice of the purchaser; or (c.) Knowingly sells for use as food for cattle any article which contains any ingredient deleterious to cattle, or to which has been added any ingredient worthless for feeding purposes, and not disclosed at the time of the sale he shall, without prejudice to any civil liability, be liable, on summary conviction, for a first offence, to a fine not exceeding twenty pounds, and for any subsequent offence to a fine

not exceeding fifty pounds. Clause 4 states that the Governor may appoint an analyst, and Clause 5 gives power to have any article analysed which is used for fertilising the soil, or as food for cattle. Clause 8 deals with the penalty for tampering with any parcel of fertiliser or feeding stuff. I hope hon. members will see that the details of this Bill are plain and clear, and I trust that it will commend itself to them. I now move that the Bill be read a second time.

THE HON. C. A. PLESSE: I have much pleasure in supporting the second reading of this Bill, and, after what the Hon. the Minister for Mines has said, I do not think we need waste time in discussing it at any length. It is a step in the right direction. It may not be altogether perfect, but I am sure, even as it is, it will be found to be of immense benefit to the farming community. I may say that I think the penalty provided in Clause 8 is somewhat severe. I see a man may be imprisoned on the first conviction. I think he should be fined in the first instance, and then, on the second conviction, he might be liable to imprisonment.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clause 1 agreed to.

Clause 2 "Warranty on sale of feeding stuff:"

THE HON. D. K. CONGDON: Suppose this feeding stuff is imported, who is responsible, the man who sends it here or the man who receives it?

THE HON. F. T. CROWDER: The man who sells it of course.

THE HON. D. K. CONGDON: I do not see how he would be justified in giving a warranty, because he would sell it as he received it.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): The hon. member will see by Clause 3 sub-section 3, any person who sells any defective stuff can be proceeded against; but I do not think there is any remedy for selling outside the colony. Supposing anyone imported 10 tons of sugar which was no good, he would have to bear the loss, and, in the same way, any man who imports feeding stuff and buys outside the colony without a certificate, must take his chance.

THE HON. A. B. KIDSON: By section 7 a man, before he sold either fertilisers or feeding stuff, could get them analysed, and he could then protect himself by simply stating on the

invoice what the result of the analysis was.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): As I have pointed out before, no merchant is bound by this Bill to sell only first class stuff, but he must let the purchaser know exactly what it is he is selling, and then the purchaser, if he likes to buy inferior stuff, will know what he is doing, and can blame no one but himself.

THE HON. C. A. PLESSE: At the last minute there seems to be a bogie raised because there is no clause providing a penalty for those who are out of the colony, and who sell faulty stuff contrary to the Bill. If a man imports for his own use he must take the risk, and no law we can make can protect him.

THE HON. S. J. HAYNES: It seems to me that this Bill is going to cause a great deal of trouble and annoyance, without in any way furthering the interest of the farmers. The merchant will naturally evade the Act, and he could do so in this way: instead of bothering with these fancy analyses he would say to his customer, I will not sell the stuff to you, but I will act as your agent in procuring it. Thus the Act would become a dead letter.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): If a man were fool enough to buy on those terms of course it would.

THE HON. S. J. HAYNES: A merchant would not be fool enough to sell on the terms set out in this Bill. It seems to me that the Bill can easily be evaded.

THE HON. R. G. BURGESS: What Act cannot?

THE HON. E. McLARTY: I think most of us who have had experience will be glad to have the protection afforded by this Bill. Anyone accustomed to buying these fertilisers, as I have been, will know that we have been getting the greatest rubbish imaginable and paying for articles which are not worth the freight on them. The Hon. Mr. Haynes says that the provisions of this Bill will be evaded, but I am sure no one would be foolish enough to buy without a guarantee. I am quite in accord with the principle of this Bill. As an instance of the necessity of it I may say there are three qualities of bone dust. The first is fairly good, the second a little worse, and the third is not worth putting on the land for all the good it does. At present we do not know which of the qualities we are buying, but, when this Bill becomes law, we shall be able to get a warranty.

THE HON. R. G. BURGESS: As far as the

analysts are concerned I have not much faith in them. I know one instance where an analyst was asked about some guano, and he said it would be no good for four or five years. Practical farmers, however, used it last year, and they stated that they got 7 or 8 cwt. of hay to the acre through using it. Therefore the opinion of the analyst was not worth much. At the same time this Bill may make people more careful in selling, and it may deter people from sending rubbish to this colony.

THE HON. F. T. CROWDER: I have listened to the remarks of the Hon. Mr. Burges, and I think his experience should teach him to give up farming altogether, if, after putting guano on the land, he is only able to get 7 or 8 cwt. of hay to the acre from it.

THE HON. R. G. BURGESS: I meant an increase of 7 or 8 cwt. to the acre.

THE HON. A. B. KIDSON: I do not think there is much in the suggestion of the Hon. Mr. Haynes that the provisions of the Bill will be evaded. If hon. members will turn to clause 5 they will see that either the seller or buyer will be entitled to get an analysis, which under subsection (a) of section 6 can be used in any legal proceedings, and will be sufficient evidence of the facts therein stated, unless the person, against whom the certificate is proposed to be put in, requires the analyst to be called as a witness. I do not think that this Bill will hamper trade, because a merchant has only to get samples, have them analysed, and he is protected. With a protection such as that, I do not think any merchant would take the trouble to try and go round the law.

Clause agreed to,

Clause 3: Penalties for breach of duty by seller":

THE HON. S. J. HAYNES: I move that the word "knowingly" be inserted before the word "sells" in subsection 3. I think before anyone is liable to a penalty, he should not only sell a worthless article, but should knowingly sell it. It appears to me that if a merchant got an article from the other colonies and sold it here, and it turned out to be worthless, there is absolutely no protection for him.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): The hon. member will see that this is not necessary. We have already passed Clause 1, which provides that the seller shall give an invoice which must state the name of the article and the percentages of substances it contains. To enable him to do this he must

have an analysis, and, having an analysis, he is protected.

THE HON. F. T. CROWDER: I cannot follow the Hon. Mr. Haynes, because it is obvious that every merchant will protect himself by getting an analysis here. With regard to what has been said by the Hon. Mr. Burges, it has been found that the non-success, in many cases, has been due to the use of fertilisers which are not suitable to the land. To be of any use we must obtain fertilisers suitable to particular lands. It has been found that some fertilisers which would be effective on some lands are no good on others, whereas, with half the money spent on suitable fertilisers, considerably more good would be done.

THE HON. J. C. FOULKES: To insert the word "knowingly" will make the Bill useless. We have a similar use of the word in an Act which is to regulate the sale of intoxicating liquor, and it has been found almost impossible ever to get a conviction under it, because it is so difficult to prove that the person selling knew of the adulteration.

Amendment, by leave, withdrawn.

THE HON. A. B. KIDSON: The penalty seems to me to be heavy, especially as the merchant, unless he took a good deal of the risk, would have to get every small parcel he sold analysed.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): This is met by Clause 6, which provides that samples may be taken, and the various parcels sold according to the analysis of the bulk.

THE HON. A. B. KIDSON: But still this difficulty would crop up: Suppose proceedings were not taken until a considerable time after the article was sold, how would you identify it with the samples?

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): The hon. member evidently has not read Clause 6. It says—"If the buyer, on receiving delivery of any fertiliser or feeding stuff, and before otherwise breaking the bulk thereof, shall, in the presence of the analyst, a Justice of the Peace, or a police constable, and in accordance with the regulations, take three samples of the article and cause them to be marked, sealed, and fastened up, and shall deliver or send by post, prepaid, one sample with the invoice or a copy thereof to the analyst and shall deliver or send by post as aforesaid another sample to the seller and retain the third sample for

future comparison, then the following paragraphs (a) and (b) shall have effect:—

(a.) At the hearing of any civil or criminal proceeding with respect to any article analysed in pursuance of this section, the production of a certificate of the analyst shall be sufficient evidence of the facts therein stated, unless the person against whom the certificate is proposed to be put in evidence requires that the analyst be called as a witness.

(b.) The costs of and incidental to the obtaining of any analysis in pursuance of this section shall be borne by the seller or the buyer, in accordance with the results of the analysis, and shall be recoverable as a simple contract debt."

THE HON. F. M. STONE: That does not protect the seller; it refers only to the buyer. Clause 7 really protects the seller and allows him to get an analysis; but, as the Hon. Mr. Kidson has pointed out, a sample from each bag would have to be analysed.

THE HON. C. A. PLESSE: There should be some means provided by which the bags of a bulk parcel could be marked to agree with the sample. I think we had better report progress. I move that we report progress.

Motion put and passed.

Progress reported.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

This Bill was received from the Legislative Assembly and was read a first time.

DUTIES ON DECEASED PERSONS ESTATES BILL.

This Bill was received from the Legislative Assembly and was read a first time.

ADJOURNMENT.

The Council adjourned at five minutes past six o'clock p.m., until Tuesday, 27th August, at half past four o'clock p.m.

Legislative Assembly,

Thursday, 22nd August, 1895.

Railway Shed and Approach at Subiaco—Site for Gaol at Wyndham—Police Station at Mingenew—Appointment of Joint Select Committee re Assisted Schools—Abolition of Aborigines Protection Board; despatch from Secretary of State—Railway and Theatre Refreshment Rooms Licensing Bill: third reading—Duties on Estates of Deceased Persons Bill: third reading—Estimates, 1895-6: in committee—Collie Coal Bore—Adjournment.

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

PRAYERS.

RAILWAY SHED AND APPROACH AT SUBIACO.

MR. WOOD, in accordance with notice, asked the Commissioner of Railways: (1), When the Railway Department proposed to provide a shelter shed for passengers and goods at Subiaco railway station. (2), When it was intended to construct the approach way to this station from Broome Road (via Rokeby Road), a distance of about 10 chains, as promised by the Commissioner of Railways in answer to a similar question asked in this House on the 8th August, last year, and as provided for on the Loan Estimates for 1894-5. (3), Whether he did not think the present would be an opportune time for the construction of this approach road, whilst the men and teams employed in macadamising Broome Road are at work in the vicinity of the two roads.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied:—(1), Instructions have been given to provide a shelter shed. (2 and 3), Tenders for the work will be called for shortly.

SITE FOR GAOL AT WYNDHAM.

MR. MARMION, for MR. CONNOR, in accordance with notice, asked the Director of Public Works—(1) Whether the site for the new gaol at Wyndham had been selected. (2) If so, whether it was the site lately occupied by Messrs. Jolly, Luxton, and Head, in the centre of the town. (3) Whether, if the site (assuming it to be the chosen one) were objectionable as a gaol site to the settlers and residents, the Department would reconsider