

Legislative Council,

Wednesday, 28th August, 1895.

*Mines Regulation Bill: report of Joint Committee—
Medical Act Amendment Bill: third reading—
Assisted Schools: message from the Legislative
Assembly—Fertilisers and Feeding Stuffs Bill:
committee—Railway and Theatre Refreshment
Rooms Licensing Bill: committee—Duties on
Deceased Persons' Estates Bill: second reading;
adjourned debate—Adjournment.*

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

MINES REGULATION BILL.

REPORT OF JOINT COMMITTEE.

THE PRESIDENT (Hon. Sir G. Shenton): I have to draw the attention of the Hon. Mr. Stone to the fact that this is the day for bringing up the report of the Joint Committee on the Mines Regulation Bill.

THE HON. F. M. STONE: As the Committee has fallen through, owing to the Legislative Assembly not having acceded to our request, I thought it would be better to allow the matter to drop. I was prepared therefore, to fall in with the motion which the Hon. the Minister for Mines has given notice of, for the consideration of the Bill in committee of the whole House.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I move that the House do now resolve itself into a committee of the whole, to consider the Mines Regulation Bill.

THE HON. J. W. HACKETT: There seems to be a slight difficulty about this matter. The second reading of the Bill was passed almost *sub silentio*, and hon. members have not had an opportunity of addressing themselves to the whole Bill, in consequence of the almost unanimous desire to refer the matter for consideration to Joint Committee. I should like to ask you now, Sir, at what stage a general discussion of the whole Bill will be permissible?

THE PRESIDENT (Hon. Sir G. Shenton): I understand that the hon. member raises the question as to whether the notice given by the Hon. the Minister should have been given after the hon. member had brought up a report from the Joint Committee.

THE HON. J. W. HACKETT: What I should have thought would have been the ordinary procedure, would have been for the hon. member to report to the House, and then

for the Hon. the Minister to say what course he proposed to take. At present we have two matters before the House, the report of the Joint Committee, and the motion of the Minister for Mines.

THE PRESIDENT (Hon. Sir G. Shenton): I think there has been some slight misunderstanding in this matter. It would have been more regular and more in accordance with the procedure, if the Hon. the Minister had given his notice after the Hon. Mr. Stone had reported. If any point of order is raised, I must rule that this notice of motion must stand over until to-morrow.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): It seems to me from the fact of the Assembly declining to meet us that the whole matter fell through. There could not be a meeting of the Committee. Therefore there could be no report, and, to save time, I gave this notice of motion.

THE HON. J. W. HACKETT: The fact is the House is not properly in possession of what has been done by the hon. members who were appointed to form the committee. The object of insisting that the gentleman who moves for the appointment of a Select Committee shall, *ipso facto*, be a member of it, is that the House is able to at once put itself in communication with the Committee. The hon. gentleman has now told us that he wishes the Committee to lapse, and, on that report, the House can take action.

THE PRESIDENT (Hon. Sir G. Shenton): That is the view I take, and I think that the notice of motion standing in the name of the Hon. the Minister must stand over until to-morrow.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We had a notice from the other House which informed us that they would not meet us, and I tabled this motion because I could see it was then impossible that the Committee could meet.

THE HON. F. M. STONE: I take it that, the other House having declined to join with us, the matter dropped. I was going to move that the Bill be considered by a Committee of the whole House, but, seeing that the Hon. the Minister had given notice of a similar resolution, I decided to support it.

THE HON. J. W. HACKETT: The hon. member refers to the notice we had from the other House declining to fall in with our suggestion. On that I think the course would

have been for the hon. member to have moved that the message be taken into consideration. That was not done, and now, until we get a report, we can take no further steps. As to the other point, I would like to ask you, Sir, whether it would be contrary to the rules of the House for hon. members, at this stage of the Bill, to discuss the principles of it as on a second reading debate, because, in this instance, only two hon. members have addressed themselves to the question.

THE PRESIDENT (Hon. Sir G. Shenton): The proper time, of course, to discuss the principles of a Bill is on the second reading, but it is open to hon. members to discuss the question when the motion is made that the House do now resolve itself into committee; although, as I have said, the main debate should take place on the second reading.

THE HON. J. W. HACKETT: Then I take it that some latitude will be given to us on the motion to go into committee.

THE PRESIDENT (Hon. Sir G. Shenton): I think so, under the circumstances, if the House desires it.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): I do not want to force this matter on the House. I only gave notice to save time. After what has been said, I move that the consideration of this notice of motion be postponed until to-morrow.

Question put and passed.

Consideration of motion postponed.

MEDICAL ACT AMENDMENT BILL.

THIRD READING.

The Bill was read a third time, and passed.

ASSISTED SCHOOLS.

MESSAGE FROM THE LEGISLATIVE ASSEMBLY.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Sir, in accordance with notice, I move the consideration of the following message from the Legislative Assembly:—

“The Legislative Assembly acquaints the Legislative Council that it has this day agreed to the following resolutions:—

“(a.) That it is expedient that the Assisted Schools should no longer continue to form part of the public educational system of the Colony.

“(b.) That the contribution from public funds towards the maintenance of Assisted Schools shall cease on the 31st December, 1895.

“(c.) That a Joint Committee of both Houses of Parliament be appointed to consider the terms and conditions on which it will be equitable to amend the law to the above effect, having regard to the vested interests which have been legally created.

“The Legislative Assembly, in accordance with resolution (c.), has appointed a Committee, consisting of seven members, with power to call for persons and papers; to sit upon those days on which the House is adjourned; and to report upon the 29th instant.

“The Legislative Assembly requests the Legislative Council to appoint a similar Committee to join with the Committee of the Legislative Assembly for the purpose aforesaid.”

I feel very great pleasure in having the opportunity of moving in this matter. I think every one will agree that it is a matter for congratulation and rejoicing throughout the colony that some settlement has been arrived at with regard to this vexed question—a question which in the past has had the effect of rending apart the different portions of the community, of making them antagonistic to one another, and developing feelings which are otherwise than good in a colony like ours. Having come to this settlement, a fruitful source of political friction has been removed. We all know that some of the recent elections have almost turned on this question of the Assisted Schools, and that in many cases feeling has run so high as not only to sever friendships, but has led people to do acts and things which they will regret for ever afterwards. Now, I am happy to say, we are in a position to end this strife, and if the settlement serves no other purpose, it will clear the atmosphere, so that points of greater importance to the colony may be considered by the electors, instead of this matter of the Assisted Schools. The opportunity comes to this House to show its sense of fair play and fair dealing to those people who have been carrying on the Assisted Schools in the colony for so long. Hon. members, I am sure, will look on them with no hostile feelings. It must be remembered that our law was of such a nature that it encouraged the establishment of Assisted Schools. We invited their maintenance and development, and the consequence is that we created vested interests which it would be highly unjust to overlook now. These schools have saved the colony a great

deal of money, as will be found from the Estimates in the future. The buildings themselves involved considerable expenditure, and the teaching staff is large, and we must not forget that we have benefited to a great extent by the establishment of these schools. Although I am one of those who believe that all children who receive the benefit of Government money should be taught under one roof, and by the same teacher, I cannot shut my eyes to the fact that the quality of the education which has been imparted to the young in the Assisted Schools has been of a very high class, and it shows what results can be accomplished by those who work for the love of the thing, rather than for the money. There is no doubt that, in these Assisted Schools, the work has been a labor of love, and I trust that the Government Schools in the future will be carried on on the same principles. It was inevitable, however, that the end must come. All sorts of matters have been pointing to this for some time past. Now that the time has arrived for us to take some steps, the Government propose to refer the matter to a Joint Committee of both Houses to do that which is best and right in the interests of those who have done so much to assist in the education of the young for so many years past—interests which, as I have already said, have become vested ones. I will not take up the time of the House further, and I now move that the following resolution be agreed to—“That in accordance with the request of the Legislative Assembly, as contained in its Message No. 25, a Select Committee of seven members be appointed to consider the terms and conditions on which it will be equitable to amend the law relating to the Assisted School System, with power—

- “ 1. To call for persons and papers.
 - “ 2. To confer with the similar committee chosen by the Legislative Assembly.
 - “ 3. To meet on days on which the Council does not sit, and
 - “ 4. To report on Wednesday, 11th September.
- “ And, further, that the first meeting of the committee be held in the committee room of the Legislative Assembly on Thursday, 29th August, at noon.”

THE HON. D. K. CONGDON: I have much pleasure in seconding this motion.

THE HON. J. W. HACKETT: Assuming, Sir, as I do with some confidence, that this motion will obtain the general assent, if not the unanimous assent, of hon. members, I

think it is obvious that the most judicious course for us to pursue is to say as little as possible at this stage. If there was a contentious feeling about the resolution, or about the first part of it at all events, it might be necessary to debate it at length; but it is one of the peculiar advantages of the position to which this question has advanced, that I believe there is a general feeling throughout the country, and in both Houses, that the time has come to put the Assisted Schools system at an end, and to put an end to it in a way that will not leave the smallest sense of bitterness or estrangement behind. The great danger in dealing with this question is that when we pass the Act we shall not know even then whether we have finished with it—whether there will not still remain behind a deep source of rankling hostility such as I am sorry to say remains in other parts of Australia. Still, I believe we are engaged to-day in discussing a motion which, if carried out in the spirit of the remarks of my hon. friend the Minister, will relieve Western Australia of that great and most serious feeling. I speak on this matter in terms of gravity, for I have lived in those colonies where the feeling is as fresh and warm to-day as it was when the system was abolished. The object of appointing the Joint Committee is to arrange terms. I understand from the organ which represents one of the religious bodies which avail themselves of the Assisted Schools, that they are prepared to assent to putting an end to the system, provided they are dealt fairly with by the legislature. The object of this Committee is to arrive at such terms as will leave no sense of bitterness or jealousy among any portion of the community. That being so, I think it advisable to say as little as possible about the motion until the report of the Joint Committee is before the House. I have great pleasure in supporting the motion, and I trust when the report comes up it will be such that all parties will feel they can accept with honor, and that it will be the means of doing something to bind us all into one living and happy community.

Question put and passed.

A ballot having been taken, the following members were elected, in addition to the mover, to serve on the Committee:—The Honorables D. K. Congdon, J. C. G. Foulkes, H. McKernan, S. H. Parker, and F. M. Stone.

The Honorables A. B. Kidson and F. T. Crowder having an equal number of votes, the

PRESIDENT determined, by lot, that the Hon. F. T. Crowder should be a member of the Committee.

Ordered—That the resolution be transmitted by message to the Legislative Assembly.

FERTILISERS AND FEEDING STUFFS BILL.

IN COMMITTEE.

Clause 3—"Penalties for breach of duty by the seller," to which the Hon. A. B. KIDSON had moved the following amendment:—To strike out the whole of sub-clause 2, with a view of inserting the following:—"2. In any proceeding for an offence under this section, it shall be a defence to such proceeding that the seller of the article had, previously to breaking bulk, and to the sale by him of any portion of the shipment (of which the articles sold formed portion), caused three separate and distinct samples from separate packages of such shipment to be taken, sealed, and fastened up, and the whole of such shipment and samples to be marked by and in the presence of a justice of the peace or a police constable, and caused such samples to be analysed by the Agricultural Analyst (hereinafter referred to): Provided that the certificate of the analyst (which shall be produced and be evidence at the hearing) clearly shows that the samples analysed are similar in all respects to the article purported to be sold; but subject, as aforesaid, it shall be no defence to any proceeding under this section to allege that the buyer having bought only for analysis was not prejudiced by the sale, or that the article sold, though deficient in one or more constituents, was not defective in other constituents."

THE HON. C. A. PIESE: On reconsidering this matter, I find that I shall have to oppose the amendment. The articles mentioned in the Bill are those which can be tampered with more than any others, and, under these circumstances, I think it better to allow the Bill to pass as it stands.

THE HON. D. K. CONGDON: I intend to vote for the amendment, because I think the protection given by the bill to the seller is insufficient.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I hope hon. members will allow this Bill to pass as it stands. As I said yesterday, it has received the most careful attention, not only at the hands of the Attorney-

General and the Government, but it is the outcome of the deliberations of the Agricultural Bureau, which is a body composed of gentlemen having experience on this subject. This Bill is a copy, to some extent, of the English Act, and I do not think that in England they would allow the seller to go wholly unprotected. I think quite as much protection is given to the seller as is necessary to enable the buyer to get the article he thinks he is getting. If this legislation is good enough for Great Britain, it should be good enough here, besides which, if the sellers of these articles are like the sellers of other articles, they will be well able to protect themselves.

THE HON. A. B. KIDSON: Notwithstanding that this Bill is the outcome of the deliberations of the Agricultural Bureau I shall press the amendment. We must remember that those who constitute this Bureau are possibly those most interested in farming, and they will, therefore, take good care to look after themselves. The Minister for Mines tells us that this Bill is taken from the English Act, but he does not say how far it is taken from it, and before we can take that statement as being absolutely correct, we should enquire into the matter. I can hardly believe that in England they could have passed such an Act. In my opinion this is a bad Bill, and it has for its object the protection of one class only. If buyers of fertilisers are to be protected, buyers of other articles should be protected. I have heard of sand being put into sugar, and horse beans sold as coffee, and the buyers of these articles require just as much protection as the buyers of fertilisers. There is nothing in the amendment that will take away from the protection of the farmer; the only thing is that it will protect the honest seller.

THE HON. C. E. DEMPSTER: I shall vote for the Bill as it stands, because I think the purchaser should be protected. I have purchased fertilisers, and I have had the greatest difficulty in finding out whether they were good, or not. Those who purchase these articles should at least have the satisfaction of knowing that their money is not wasted. Farmers, as a rule, are unsuspecting and easily imposed upon, and should be protected.

THE HON. J. C. FOULKES: I intend to oppose this amendment, on the ground that I think the purchaser is more in need of protection than the seller. The seller, as a rule,

is a business man, and can easily take steps to find out what he is buying. If he only takes a certain amount of care, he will not bring himself within the clutches of the law. The Hon. Mr. Kidson represents Fremantle, and his constituents are principally importers, and it is only natural that they should want to make importation as convenient and easy as possible.

THE HON. E. McLARTY: I think there is quite as much protection in this Bill to the seller as to the buyer, and I shall, therefore, support it as it stands.

THE HON. S. J. HAYNES: I shall support the amendment of th Hon. Mr. Kidson, because sellers have to be protected quite as much as the buyers. I believe this Bill has been drafted with the best of motives, but I think it will be most worthless and unworkable when it is passed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): The Hon. Mr. Kidson has referred to sandy sugar, but that and other like articles are altogether on a different footing to fertilisers. With sugar the adulteration could at once be detected, but with fertilisers it might be one or two years before it is discovered that they were worthless.

THE HON. H. McKERNAN: In my opinion the amendment is absolutely essential to the Bill, and is necessary in the interests of the buyer, as well as the seller. A merchant might purchase outside the colony fertilisers, which, after keeping, might deteriorate, and then he would be liable to a prosecution, notwithstanding that he had had an analysis made when he received the bulk shipment.

Question—That the sub-clause proposed to be struck out stand part of the Bill—put.

The Committee divided with the following result:—

Ayes	...	...	...	...	10
Noes	...	...	...	...	5

Majority for 5

AYES.

NOES.

- Hon. W. Alexander
- Hon. C. E. Dempster
- Hon. J. C. (I. Foulkes
- Hon. J. W. Hackett
- Hon. E. McLarty
- Hon. C. A. Piense
- Hon. J. E. Richardson
- Hon. E. Robinson
- Hon. H. J. Saunders
- Hon. E. H. Wittenoom

- Hon. D. K. Congdon
- Hon. F. T. Crowder
- Hon. H. McKernan
- Hon. F. M. Stone
- Hon. A. B. Kidson

(Teller).

(Teller).

Amendment negatived.

Clause agreed to.

The remaining clauses were agreed to, the Bill reported, and the report adopted.

RAILWAY AND THEATRE REFRESHMENT ROOMS LICENSING BILL.

IN COMMITTEE.

Clause 11, "Railway Refreshment Rooms," to which the Hon. F. T. Crowder had moved the following amendment, "That the words 'a reasonable time before and after the arrival or,' in the fifth line of sub-clause 2, be struck out, and that the words 'half-an-hour of the arrival of and half-an-hour after the' be inserted in lieu thereof.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): When I asked that progress might be reported I had no desire to rise in opposition to the Hon. Mr. Crowder, but, from enquiries I have made, I believe it will be most advantageous to the public and to the holders of these licenses, to allow the Bill to pass as it stands. On Government Railways the control will be in the hands of the Commissioner, and on private railways the control will be with the Colonial Treasurer, and they will see that the Act is properly carried out. If we limit the opening to half an hour before, and half an hour after the arrival of trains, we may cause considerable inconvenience. At a place like Beverley the amendment might work well, but it is the outside places that we have to provide for as well, and at these there might be great inconvenience if passengers could not get some refreshment until half-an-hour before the train arrives. People might come in early after a long journey from the country and might need some refreshment, and it would be very hard on them if they could not get it because it was not half-an-hour before the train arrived.

THE HON. F. T. CROWDER: The word "reasonable" used in this Bill is, to my mind, only another fertiliser for the lawyers' pockets. I maintain that where there are vested interests, and where some parties pay £40 a year, the Government should not allow others to come in and clash with their interests for £5 a year. In all the time tables throughout the Colony the maximum time of stopping for refreshment is half-an-hour. It is obvious, therefore, that if we allow those refreshment rooms to be open for half-an-hour before the train arrives, we are meeting the convenience of the travelling public, and are at the same time acting liberally to those who hold the licenses.

THE HON. A. B. KIDSON: I think there is something in the amendment, because I cannot see that the second portion of this Bill is incorporated with the Wines, Beer and Spirits' Sale Act, and therefore the insertion of the words "reasonable time" leaves it to the discretion of the General Manager of a private railway, or to the Commissioner in the case of a Government railway, to say what the reasonable time shall be. Supposing a person does not keep open for only a reasonable time, there is no penalty.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): We could take the license away.

THE HON. E. McLARTY: I intend to support the amendment, because I think it dangerous to allow the Clause to stand as it is. The Minister, in introducing the Bill, said its object was to accommodate travellers by train, but it is obvious that these travellers do not require the rooms open even for half an-hour before the arrival of a train. I think the amendment goes too far, because it would be sufficient if the bars of these refreshment rooms were open during the time at which the train was at the station only, and no longer.

THE HON. H. McKERNAN: We have heard a good deal about this Bill, but we must remember that most of the arguments have been brought forward by members who are themselves interested in the matter.

THE CHAIRMAN (Hon. Sir G. Shenton): The hon. member must not impute motives.

THE HON. H. McKERNAN: I am not doing so, but we must judge of the objects members have in view in endeavoring to fix a time. I am not willing to impose any restriction in regard to the sale of liquor, either before or after the departure of any train. As I happen to belong to a temperance body, and if my medical adviser recommended for the good of my health that I should have some stimulant, I should take it with me, and should not purchase it by the wayside. I believe if these people were allowed to sell at all hours it would be the means of reducing the sale of intoxicating liquors. Of course, my hon. friend, Mr. Crowder, would sooner see more ginger beer or lemonade sold, but we are here to legislate for the country, and not to place restrictions on the travelling public.

THE HON. C. A. PIESSE: It will be necessary to have these refreshment rooms where there are no public houses, and I think, under these circumstances, it would be as well to allow the Bill to pass as it stands.

THE HON. C. E. DEMPSTER: I am in favor of the amendment, because if we do not have some restriction, we shall have a large amount of grog selling carried on, which will be unfair to the holders of publicans' general licenses. I do not see the necessity for keeping spirits at these places at all, but, if it must be, I think the period of selling should be limited to the time during which a train is at the station.

THE HON. F. T. CROWDER: I cannot understand why the Government should not adopt the principle they are carrying out to-day. The licenses already granted, limit the time to half an hour before, and half an hour after the arrival and departure of trains.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Where is that: is it statutory?

THE HON. F. T. CROWDER: That is the condition which is made at Beverley, and, therefore, it may be taken that what I am now proposing is what the Government consider a reasonable time.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I quite agree that these refreshment rooms should not be allowed to enter into competition with licensed houses, but it may be taken that where there are publicans general licenses issued, no £5 licenses would be granted at railway refreshment rooms. I assure hon. members that there is no desire on the part of the Government to allow these refreshment rooms to be kept open longer than is absolutely necessary. With regard to what the hon. Mr. Kidson has said about the second part of this Bill not being incorporated with the Wines, Beer, and Spirits Sale Act, I may say that it is intended to place these refreshment rooms under the control of the Commissioner of Railways, where Government lines are concerned, and under the Treasurer on private lines, and the last part of Section 37 of the Principal Act is repealed to enable this to be done. Clause 12 of this Bill provides that the Commissioner, or the General Manager of a private line, may make regulations for the proper control of these refreshment rooms, and thus they will be able to take steps to see that they are properly conducted and carried on. Even now, according to the hon. Mr. Crowder's own statement, the time has been limited to half an hour, and we may take it that that, in all probability, will be considered a reasonable time in the future.

THE HON. F. T. CROWDER: The Minister for Mines lays it down that it is not to be supposed that the Government will allow licenses to be issued for £5 where there are other hotels. In Beverley there are three hotels and the Government have issued a license at the railway Station without payment of any fee. What I object to is to leave it to the Commissioner or to any one else to say what a reasonable time is.

THE HON. J. C. FOULKES: I think we shall assist the Commissioner by defining what a reasonable time is. If we say it is half an hour before, and half an hour after the arrival of a train, we shall make the work of the Commissioner easier. I shall, therefore, support the amendment.

THE HON. F. M. STONE: If we limit the time, it may in some cases be awkward, because the train might stop for an hour for refreshments, and it would then be very inconvenient for passengers if they found the rooms closed half an hour after their arrival.

THE HON. E. McLARTY: I cannot see that there would be any inconvenience, because the amendment proposes that the rooms shall be opened half an hour before and half an hour after the arrival of the train, and, therefore, they would, of course, be open during the whole of the time the train was at the station.

Question—That the words proposed to be struck out stand part of the clause—put.

The Committee divided, with the following result:—

Ayes	8
Noes	8

AYES.	NOES.
Hon. W. Alexander	Hon. D. K. Congdon
Hon. J. W. Hackett	Hon. C. E. Dempster
Hon. S. J. Haynes	Hon. J. C. Foulkes
Hon. C. A. Piessé	Hon. A. B. Kidson
Hon. J. E. Richardson	Hon. H. McKernan
Hon. H. J. Saunders	Hon. E. McLarty
Hon. F. M. Stone	Hon. E. Robinson
Hon. E. H. Wittenoom	Hon. F. T. Crowder
(Teller).	(Teller).

There being an equality of votes, the CHAIRMAN gave his casting vote with the Noes.

Question—That the words proposed to be struck out be struck out—put.

The Committee divided, with the following result:—

Ayes	7
Noes	9
—	
Majority against	2

AYES.
Hon. D. K. Congdon
Hon. C. E. Dempster
Hon. J. C. G. Foulkes
Hon. A. B. Kidson
Hon. E. McLarty
Hon. E. Robinson
Hon. F. T. Crowder
(Teller).

NOES.
Hon. W. Alexander
Hon. J. W. Hackett
Hon. S. J. Haynes
Hon. H. McKernan
Hon. C. A. Piessé
Hon. J. E. Richardson
Hon. H. J. Saunders
Hon. F. M. Stone
Hon. E. H. Wittenoom
(Teller).

Amendment negatived.

Clause agreed to.

THE HON. J. C. FOULKES moved, "That progress be reported, and leave asked to sit again."

Motion put and negatived.

The Chairman then left the chair for an hour.

On resuming,

Clause 12 agreed to.

Schedules agreed to.

Bill reported, and report adopted.

DUTIES ON DECEASED PERSONS ESTATES BILL.

SECOND READING.—ADJOURNED DEBATE.

THE HON. J. W. HACKETT: The motion before the House now is, I take it, that the Bill be read a second time this day six months. I rise to oppose that motion, and to express the hope that, after full consideration, the House will decline to follow the hon. and learned member for the Northern Province, and will pass this Bill in the shape in which it stands at present. I can hardly believe my hon. friend is sincere in his opposition, but no doubt he considers it his duty to his constituents to take up this attitude. This is a taxation Bill, and it has, no doubt, been duly considered in another place, and the question involved in it is whether this aid should be granted to Her Majesty or not. Taxation is of many kinds. There was an eminent French financier, who defined it in the shortest and pithiest way when he said it was a word which meant the plucking of a fowl without letting it cry out. The Government have to carry on the business of the country. To enable them to do so, they must receive aids in money, and the question is, what form of impost will do the most good to the country and the least harm to the individual, and what will give the Government the monetary assistance they require at the least expense to the community in general. The question before us is not altogether whether it is advisable to impose this tax, but whether it can be done without

at the present moment. If it cannot be done without, we must pass it, or substitute something else in its place. There are many kinds of taxation, but we know there is a general feeling against the more direct forms, although they are the cheapest and the least expensive to collect; and hence it is that the indirect form through the Customs is so much resorted to. The opinion, however, of economists is that the direct form of taxation is the better. Of the taxation which has been from time to time imposed, I think that which is levied on estates which are inherited is one of the most legitimate, and one of the most justifiable forms, and this for many reasons. My friend, the Hon. Mr. Stone, has somewhat emphasised the importance of this Bill by the course he has taken, for he has adopted what I think is an almost unknown procedure in the history of the colony since Responsible Government was introduced, in regard to a Taxation Bill. The question may be asked why we should levy a tax on property inherited, rather than obtain a revenue by means of other imposts. The reason is clear, and there are two main grounds on which this tax can be based. One is, that the property which is taxed is that which passes to persons who have done nothing to amass it, and who have not been in the least concerned in accumulating it. [AN HON. MEMBER: Question.] Of course if it can be shown that the legatee has done something to help in amassing it, it may be a different matter.

THE HON. F. M. STONE: How about children who assist the father?

THE HON. J. W. HACKETT: In these enlightened days, so far as the children are concerned, they take care to get their own share, or they go away from their parents' home. Few fathers get the results of the efforts of their children, and very few children would stand the treatment, if their fathers sought to use them as a means to amassing wealth for himself. Inherited property is one of the most legitimate objects of taxation. It passes to those who have done nothing to acquire it. Certainly that is so in the case where it passes to a stranger, although, perhaps, it may be different where it passes to the children; but that is a realm of the discussion which I, in my present state, cannot enter upon. This is one of the great grounds that has led it to be recognised that property of this kind is especially suitable for taxation. It passes from those

who acquire it to those to whom it is a gift, and it can, therefore, be taxed without injuring in the smallest degree those who receive it. Under a Bill of this sort where only property is taxed, we are able to make sure that the persons who are taxed have the money to pay the tax with. In this Bill no tax can be imposed unless the property exceeds £1500 in value.

THE HON. F. M. STONE: It is a mere pittance, the income on it means nothing.

THE HON. J. W. HACKETT: My hon. friend rejoices in patrician wealth. To me to possess £1,500 seems like a dream, and if I die worth that sum I do not say that my widow will be satisfied, but I myself shall be perfectly content. This Bill means that the person who has wealth is to be called upon to pay a portion of it towards the government of the country. As we stand at present, the great bulk of the taxation falls upon the living, while under this Bill it falls upon the dead, and consequently upon those who are better able to pay it. Take the case of the widow and five children to which my friend, the Hon. Mr. Stone, referred. I think she has a good deal to console her with the five children, and the more so if she has left with them a sum of £5,000. Say the estate was worth only £3,000. Under this Bill, if the property passed to a stranger, one per cent., or £30, would have to be paid on it, but passing to the widow and children only half that amount, or £15, would be paid. At the present moment the head of a family with five children would contribute about £50 a year in taxation, and if we can lighten the burden in this respect by passing this Bill, I shall be anxious to learn what grounds can be urged against such a course. In every advanced country this form of taxation is recognised, and it recommends itself as being fair and equitable.

THE HON. F. M. STONE: They want it for revenue; we do not.

THE MINISTER FOR MINES (HON. E. H. WITTENOOM): Yes we do.

THE HON. J. W. HACKETT: How can the hon. member say that we do not want revenue when we have a country which covers a million square miles, and in which appliances and means of communication are required almost in every district, and in which the Government is more or less imperfectly administered owing to the want of funds.

THE HON. F. T. CROWDER: Why did they take off the £50,000?

THE HON. J. W. HACKETT: That was to relieve the taxation which pressed on a class least able to bear it, and I rejoice to say that this Bill is to substitute for that a tax on those best able to afford it, and I ask the House to consider, if a Bill of this kind is thrown out, in what light will this House appear before the country? I ask hon. members to consider what would be the effect upon the country of an action of this kind on the part of a House whose main characteristic is that it represents the property classes.

THE HON. C. A. PIESSE: I should like to ask you, Sir, whether it is competent for us to amend this Bill in committee.

THE PRESIDENT (Hon. Sir G. Shenton): This House has the right to suggest amendments to the Legislative Assembly.

THE HON. H. MCKERNAN: I feel surprised to find that any hon. member, who recognises that he owes any responsibility to his constituents at all, should oppose this Bill, because it imposes no hardship upon anyone. The Bill simply requires that before the estate of any deceased person passes to his relatives and friends, it shall be subject to a certain legal process. To argue that the wife and family of a deceased person would be placed at a disadvantage, and that their income would be taxed by this measure, is altogether beside the question. The relatives cannot be injured in any way, because before the decease of the owners of the property bequeathed to them, they have no claim whatever on the estate.

THE HON. C. A. PIESSE: That is the question.

THE HON. H. MCKERNAN: The object of this Bill is to regulate, rather than to accumulate revenue, and to regulate the fixing and distribution of the estates of deceased persons and will not work any hardship upon anyone. I hope it will pass in the form in which it is now before the House.

THE HON. S. J. HAYNES: I do not think the arguments used by the Hon. Mr. Hackett, can be controverted, and I quite agree with almost all he said with regard to the mode provided for raising taxation under this Bill; but I think at present the measure is inopportune. Only recently we heard from the Premier that the revenue had exceeded his greatest anticipations, and the Government has reduced taxation to the extent of £50,000 through the Customs. Therefore I do not think that a Bill such as this is, it being intended for raising revenue, is wanted at present. It is not a good reason for adopting the measure, that it

is in vogue everywhere else. We need not follow in the steps of other countries if it does not suit us to do so. The time will come soon enough when a measure of this kind is wanted, but in the face of an increasing revenue I cannot support the measure before the House.

THE HON. C. E. DEMPSTER: I shall vote for the resolution of the hon. Mr. Stone, because I think the Bill is premature. Additional taxation is not required at present, and I can see that this tax will bear heavily in many ways on some classes. I think that a man, after having accumulated wealth by industry and economy, should have the right to leave it to those who have assisted him to accumulate it without those people being liable to taxation.

THE HON. E. McLANTY: I am certainly not in favor of this Bill as it is premature at the present time. It seems inconsistent of the Government to reduce taxation in one direction, and then to bring in a measure to raise revenue. At the same time I do not feel justified in voting against it altogether, as the third schedule is its one redeeming feature. Were it not for the contents of that schedule, I would have no hesitation in voting with the hon. Mr. Stone.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): I would like to say a few words with regard to the arguments used against the Bill. It was introduced for the purpose of providing a means of raising taxation in the future in this particular direction, and of reducing taxation on the necessities of life for those who would benefit thereby. If the Government had waited until the colony was really hard up before they introduced the Bill, it would have been of a very different character. The hon. Mr. Stone made a pathetic and absurd appeal to hon. members to throw out the Bill. He quoted the terrible case of how some poor widow with a large family, having inherited £5,000, would lose so much of her legacy by the operation of the Bill. What business man ever imagined that the duty on an estate comes off the income? It comes off the principal. The only amount that widow would lose would be the interest on the amount that would be deducted.

THE HON. J. W. HACKETT: And that would amount to about £2 a year.

THE MINISTER FOR MINES (Hon. E. H. WITTENOOM): The difference of one or two per cent that the Bill will make in these estates, is very trifling, and I hardly think the hon. member was serious in what he said. Every

£5,000, according to the schedule, would be subject to a tax of 3 per cent., equal to £150 levied on a person who does not belong to the family of the testator, and only £75 on those who do. Then the next argument of the hon. gentleman was that the children who help their father to accumulate the wealth which is bequeathed to them, should not be taxed; but I think the general rule is that children leave their parents as soon as possible, and very often their parents have to help them. Then the hon. member said that £5,000 was a mere pittance, while the Hon. Mr. Crowder thinks that there were very few fortunes in this colony that exceeded that amount, and that the Bill would, therefore, be inoperative as there would be little or no duty to collect. Truly these are magnificent arguments against this Bill which was brought in to touch those people who cannot be reached in any other way. The Hon. Mr. Crowder said the Government had only introduced it in order to get at some poor fellow who was going to die soon. Was there even such a silly argument used? The Hon. Mr. Piesse also has argued that the tax would depreciate the value of an estate of £2,250; but I would point out that the tax on such an estate would only amount to £3 15s., on the property bequeathed to the testator's family, and £7 10s. if it were left to others outside the family. And he went on to say further that the costs of proving the will would further reduce the value of the estate. I argue that the will has to be proved under any circumstances. The Hon. S. J. Haynes says that the Bill is inopportune. Granting that it may be inopportune as far as the revenue is concerned, I think that seeing its object is to obviate the necessity for taxation in another direction, it should be passed. The Hon. Mr. Dempster said the Bill would harass small estates; but small estates will not be affected by its operations at all. I think the proposed rate of taxation is fair for the present time. The revenue is flourishing, and therefore it is not necessary to put a heavy duty on. The Bill has been carefully prepared after months of careful thought, and it is not giving it fair treatment to attempt to throw it altogether after it has been passed by the representatives of the people. There are four arguments in favour of it. In the first place it will not affect the man who made the money. In the second place it enables the Government to reduce taxation in a direction that will be appreciated;

thirdly, it is in vogue in nearly every other country, and lastly, the tax will not touch the poor man. If hon. members throw it out they will show that they are always willing to tax those who cannot afford to pay taxes, and have refused to tax those who are in a better position to contribute to the revenue. The House is not empowered by the Constitution Act to alter a Money Bill, but hon. members can suggest amendments and that is the more preferable course to pursue. As far as I can judge, by the tactics of those in opposition, it is intended to force a division in a thin House. There are only two thirds of the members present, and to force the issue to a division to-night will be taking an unfair advantage. I hope some hon. member will move the adjournment of the debate until next Wednesday week, or to some such time, when a full House can be secured before a division is taken; for, if the Bill is thrown out to-night, the House will bring itself into a certain amount of contempt. I have done my duty in regard to the measure, and if hon. members reject it they must take the responsibility upon themselves.

The Hon. C. A. PIESSE: I wish to make a personal explanation in regard to what the hon. the Minister for Mines has said. He has misrepresented me. I did not express any opposition to the principle of the Bill, but I stated that I considered it was not liberal enough.

The Hon. W. ALEXANDER: I move that the debate be adjourned until next Wednesday week.

The Hon. J. C. FOULKES: I second the motion.

The House divided with the following result:—

Ayes	7
Noes	8
	—
Majority against	1
Ayes	Noes
Hon. W. Alexander	Hon. F. T. Crowder
Hon. J. C. Foulkes	Hon. S. J. Haynes
Hon. J. W. Hackett	Hon. H. McKeruan
Hon. A. B. Kidson	Hon. C. A. Piesse
Hon. E. McLarty	Hon. J. E. Richardson
Hon. H. J. Saunders	Hon. E. Robinson
Hon. E. H. Wittenoom	Hon. F. M. Stone
(Teller)	Hon. C. E. Dempster
	(Teller)

Motion negatived.

The PRESIDENT (Hon. Sir G. Shenton): Before taking a vote on the Bill, I think the question is one on which I should exercise my right of speech as President. I do so because

I think this is a most important matter. In reference to the Bill, I may state that when I first joined the Government, I always advocated a Bill of this kind, because I considered it provided a just and right taxation on those who were property holders. This taxation does not in any way affect the poorer classes, but those who have wealth to leave to their relatives; and I think those people should certainly contribute towards the expenses of the State. I was rather surprised to hear the Hon. Mr. Stone say that the duty under the Bill would have to be paid out of the first year's income. Surely the hon. gentleman was in error, because I have always been advised that the tax comes out of the principal, and not out of the income. Therefore a tax of this kind cannot work harshly on the widow and her family as he stated. When the Bill was introduced in another place, I thought the minimum was too low, but as it is now fixed at £1,500, and as a widow and her family have only to pay half of the tax, I do not think the Bill will work any hardship. The minimum will now only be £3 15s. in taxation, and surely out of an estate of £2,500, that is a very small amount to have to contribute to the revenue. Large numbers of people are coming into the colony and are making fortunes in goldmining and in other ways. Some die and leave property behind them. In a great many cases they have only distant relatives, and I think that out of their estate, something should be contributed to the revenue of the colony. I think this House has serious responsibilities before it in regard to this measure. This is the first Bill for direct taxation that has been sent down, and I hope it will not be thrown out, but that it will be taken into committee and suggestions made in the direction of amending it, if that course is deemed necessary. I ask hon. members not to take the extreme step of throwing out the Bill on the motion for the second reading.

THE HON. J. C. FOULKES: There is a further argument in favor of the Bill. I would like hon. members to remember that the people who bequeath property would never have been able to accumulate it had it not been for the fact that the Government had enhanced its value by spending money in railways and other public works near it. I therefore think that, where people owe their wealth to the large amount spent near their properties, they should make some return to the State.

The House divided on the motion that the word "now" proposed to be struck out stand part of the question, with the following result:—

Ayes	10
Noes	6
Majority for	4

AYES:		NOES.	
Hon. W. Alexander		Hon. F. T. Crowder	
Hon. J. C. G. Foulkes		Hon. C. E. Dempster	
Hon. J. W. Hackett		Hon. S. J. Haynes	
Hon. A. B. Kidson		Hon. J. E. Richardson	
Hon. H. McKernan		Hon. E. Robinson	
Hon. E. McLarty		Hon. F. M. Stone	
Hon. S. H. Parker			(Teller.)
Hon. C. A. Piesse			
Hon. H. J. Saunders			
Hon. E. H. Wittenoom			
	(Teller.)		

Question put and passed.
Bill read a second time.

ADJOURNMENT.

The House at 9 o'clock p.m., adjourned until Thursday, 29th August, 1895, at 4:30 o'clock p.m.