he had placed before the committee, which was particularly gratifying in its financial aspect. Yesterday he had been informed by a gentleman who had just returned from Geraldton, and who had had 28 years' experience in Victoria, that our railways were better ballasted than those of that colony, and that, although he had been travelling on a narrow-gauge line, he had not felt so much oscillation as in Victoria, where the broad gauge existed. He would like to draw the attention of the Commissioner to the importation of young Englishmen to fill positions in his department. As an Australian, he (Mr. Hall) believed in giving our own young men a show; and it was all bosh to say that it was necessary to import men from England. We could find men here—if not in Western Australia, at least in the other colonies—to fill any positions in the railway service. As everyone was aware, the reason for this was that the chief men in the department were from England; and the antipathy of the Englishman to anything colonial was well known.

MR. WALLACE: With reference to wash-aways, without reflecting on the Engineer-in-Chief's department, he might say that, if its officers had made a proper survey of Yalgoo, they would have found that it lay in a basin surrounded by hills; and they might have easily ascertained that the high water-mark, in ordinary seasons, was considerably above the level estimated by them. Another matter was that on the Mullewa-Cue line there were two stations which would not be used by the present generation. There were no settlers in the country, nor was there anything around them that would make them of any use.

Vote put and passed.

Progress reported, and leave granted to sit again.

MINES REGULATION ACT AMENDMENT BILL.

Received from the Legislative Council, and read a first time.

ADJOURNMENT.

The House adjourned at 11·5 p.m. until the next day,

Legislative Council.

Wednesday, 15th December, 1897.

Paper Presented—Criminal Appeal Bill: discharge of order—Sale of Liquors Act Amendment Bill: in committee; divisions on Clause 20 and postponed Clause 7—Noxious Weeds Bill: second reading (negatived)—Streets and Roads Closure Bill: second reading—Adjournment.

THE PRESIDENT took the Chair at 5 o'clock, p.m.

PRAYERS.

PAPER PRESENTED.

By THE MINISTER OF MINES: Loan Estimates of Expenditure for 1897-8.

Ordered to lie on the table.

CRIMINAL APPEAL BILL.

DISCHARGE OF ORDER.

HON. A. B. KIDSON: I move that the Order of the Day be discharged. I do this because I do not think there is the slightest chance of this Bill receiving attention and passing through another place and becoming law this session; but I hope at some future date to again bring forward the Bill, and have it passed into law.

Put and passed, and the Order discharged.

SALE OF LIQUORS ACT AMENDMENT BILL.

IN COMMITTEE:

Clauses 1 to 6, inclusive—agreed to.

Clause 7—Sale or possession of adulterated liquor:

HON. F. T. CROWDER moved that in line 6 the words "salicylic acid" be struck out. If these words were left in, there was not a publican in the country who would not be liable to be fined. There was not a drop of lager or English bottled beer which did not contain this acid, which was used to preserve the beer. The salicylic acid was only used in small portions, and did no harm.

HON. A. B. KIDSON: Would the hon. member tell the committee what effect this acid had upon human beings?

HON. F. T. CROWDER: If the acid were taken by the spoonful, it would be injurious, but in small quantities it did no harm at all. Some time ago the Govern-

ment stopped the importation of this salicylic acid; but a week subsequently, finding that the acid did no harm, it was allowed to be imported again.

HON. A. B. KIDSON said he agreed with the hon. member, On a previous occasion, when an amending Bill to the Wines, Beer and Spirits Sale Act was before the House, this particular acid was purposely left out. He believed that what the Hon. F. T. Crowder had said was correct.

HON. R. S. HAYNES did not like to permit salicylic acid to be expressly exempted from this Bill until he knew what effect the acid produced. He asked that the clause might stand over until hon. members received some further information as to whether this acid was injurious to health.

HON. F. T, CROWDER: If this acid had had a bad effect upon the health of people, it would have been found out long before this.

THE MINISTER OF MINES (Hon. E. H. Wittenoom) said he was not in a position to say what would be the effect of this acid; but, when we remembered that this Bill had been considered in the other place by the direct representatives of the people interested, we should be careful how we made any alteration. He moved that the consideration of the clause be postponed until after the other clauses.

Motion put and passed, and the clause postponed.

Clauses 8 to 18, inclusive—agreed to.

Clause 19—Application of section 2 of 48 Vict., No. 14, extended (power of mortgagee):

HON. R. S. HAYNES said the clause was too sweeping. The principle seemed to be right, but he was afraid that, when put into practice, it would invest the mortgagee with too many powers. If the rent were not paid, the mortgagee would have a right to enter; and, if he re-entered, he was entitled to at once get a transfer of the license. Courts of law had always been averse to allowing the breach of a covenant to entitle another party to enter and put an end to a lease. He wanted to point out that, by this clause, if there happened to be any slight breach of the covenant, an entry would be sufficient. The party entering would be at once entitled to show that he had taken possession, either rightly or wrongly. In Perth the lessee would get a restraining order from the Court, but up in the country he would be unable to do so. If he had the license transferred by equity, it would not relieve him, as he might be unable to get it back for three months. There were hundreds of ways of refusing. The clause extended the powers of the creditor to a great extent. It gave the creditor every right, but did not sufficiently safeguard the rights of the debtor. There was always an inclination on the part of some creditors who had money, when they saw their debtors in very low circumstances, to take advantage of it; but the courts of law stepped in and assisted the debtor. The principles of equity were departed from in this clause. He did not know that there was any necessity for the clause, because the mortgagee had already absolute power of proceeding by ejectment. He did not care to give any creditor the right of putting his foot inside a debtor's house, and to say, "This place is mine." That was a principle of law which would never receive his assent, and it was one which he should be no party to placing on the statute book. It seemed to him that there were too many objections to altering the principles of our law to such an extent as was proposed by this clause. The matter was one which certainly should receive serious consideration. The Bill was a step in the right direction, but it was a step too far, and, inasmuch as hon. members had the assurance of the Minister, which we were bound to take, that at the next session this Bill would be put before the House in a consolidated form, he thought we might avail ourselves of the opportunity to give it further consideration. It was partly owing to that assurance that the House had assented to the second reading of the Bill. The clause should undoubtedly receive very much more careful consideration before it was passed. He would be willing to extend the principle laid down to a certain extent, but not so far as was proposed. Let some independent person, say a resident magistrate, be consulted in the matter, so that a defaulting debtor should have some more protection than would be given by this clause. He hoped the hon. gentleman in charge of the Bill would not press the matter, as he could re-introduce the

question next session when the Acts were consolidated.

HON. A. H. HENNING: The clause objected to by Mr. Haynes provided that something might be done when the premises had been "lawfully" entered and possession taken. Who was to decide that the premises had been "lawfully" entered? The original Act provided that it should be a condition precedent to the transfer, that the applicant should give seven days' notice. He had to go through all the forms to prove that he was in lawful possession.

HON. A. B. KIDSON said he happened to know the difficulties that had had to be contended with in the past. The Act now in force did not provide for a contingency of this sort, but provided for re-entry by the landlord; but it did not provide for the entry of the mortgagee at all. When the mortgagee went into possession, he found that he had no hold on the holder of the license at all. He had possession of the premises, but could not get the license.

HON. R. S. HAYNES: The tenant could be ejected.

HON. A. B. KIDSON: So he could, but at considerable cost. The Hon. A. H. Henning hit the nail on the head when he said that the question whether the mortgagee or the landlord had entered or not was in the discretion of the magistrate. The Hon. R. S. Haynes wanted a third party brought in to see that right was done between the parties concerned. He (Mr. Kidson) had considered this clause with Mr. Burt, and there appeared to be a great difficulty in connection with the matter. The clause was one which he did not think could be improved upon.

HON. R. S. HAYNES: Hon. members did not want to legislate for a class, but Mr. Kidson and Mr. Henning wanted to legislate for mortgagees of public houses, and he (Mr. Haynes) would not be a party to that. He did not see why we should extend greater privileges to the wine and spirit merchants or to the brewers than to anyone else. A mortagee had the right of re-entry under his mortgage, and the licensee was compelled to transfer the license to him. The Act said that a licensee should cease to occupy, if the premises had been lawfully entered. The trick of the present clause came in here. An extreme enactment was made that a magistrate was bound to hold that a person occupying or being about to occupy should be deemed to be a person or company entering or taking possession. It seemed to him to be opposed to all principles of justice. The clause in the Bill would give the mortgagee, who had already sufficient power, a greater power. He (Mr. Haynes) was not the champion of the licensed victuallers, but it was not right the committee should give such great power to the mortgagee to seize a man's goods and deprive him of his license, and turn him out of doors without allowing him to have some redress. It seemed to be inhuman.

HON. A. H. HENNING: A mortgage was a solemn contract entered into by two parties, and if the mortgagor had agreed that, under certain conditions, the mortgagee should have certain remedies, he did not think that if the mortgagee had obtained entry under this solemn contract, if the mortgagor had obtained advances and loans of money under his contract, that the mortgagee should be deprived of the rights of his agreement. If the mortgagor had agreed that under certain conditions the mortgagee should enter and take possession, then undoubtedly the mortgagee had the right to the license.

HON. A. B. KIDSON: Did Mr. Haynes believe that if a mortgagor owed a large amount of money to a mortgagee, the latter was going to tender the mortgagor the sum of £50 for the license which had been properly secured to him under the agreement. It was in order to get rid of this difficulty that the clause was inserted. The clause was not inserted in the Bill to provide for ejectment, but for the purpose of obtaining the license of a hotel. As to copartnerships, were not co-partners just as much entitled to consideration as any other person lending money? The clause not only referred to co-partnerships, but to every mortgagee who lent money on the freehold of hotel properties. He (Mr. Kidson) had taken the greatest trouble to see if the clause could be improved, and he did not see how it could be.

HON. R. S. HAYNES: Strike it out.

HON. A. B. KIDSON: There was nothing easier, but if we struck out the

clause we would get nothing. As the clause stood, the effect would be good. It would be for the benefit of all the mortgagees of hotel properties.

HON. A. P. MATHESON: The effect of the clause seemed to be to enable a man, when once he had got possession of a public-house, to carry on the trade which had previously been carried on there.

HON. A. B. KIDSON: That was it.

HON. A. P. MATHESON: This clause would facilitate the mortgagee in getting possession of a house. Seeing that the lawyers differed on the point at issue, he thought the Council could do no better than support the clause.

HON. R. S. HAYNES said Mr. Kidson had unintentionally misled the House as to the effect of the clause. According to him, the lessor had the right to have the premises transferred to him, and not the mortgagee. That was not so. "If the holder of any license shall cease to occupy the premises," such was the wording, therefore he must be outside the premises. He must be ejected. Mr. Kidson wanted to give the mortgagee greater powers than the lessor. He (Mr. Haynes) wanted the House to put the mortgagee on the same footing as the lessor.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It had been represented to him that there was a very great difficulty in getting possession of hotels by mortgagees who had advanced money on them. Exercising the rights under their mortgage they could get everything, including the title, but they could not get the license. It had been stated that the mortgagor would suffer an injustice if the mortgagee exercised his rights, but inferentially the mortgagor could afterwards be paid back if he found that the mortgagee had not acted fairly towards him. This matter had been well threshed out in the other House, and under these circumstances he would leave the question to be decided by hon. members on the opinions they had formed after hearing the discussion.

Clause put and passed.

Clause 20—Amendment of 44 Victoria, No. 9, Section 15 (amount of license fee):

HON. A. B. KIDSON moved that the clause be struck out. He considered that the clause had been too hastily introduced, and that its effect had not been sufficiently considered. The clause provided that certain hotels in the magisterial district should have their fees raised to £70. One of the most forcible arguments against the insertion of this clause was that this magisterial district was an imaginary line, and that a hotel 50 yards on one side of the line would be called upon to pay £70, and a hotel 50 yards on the other side of the line would be called on to pay only £50. This would be most inequitable. If it was desired to alter the license fee, a different process should be adopted. He could not for the moment say what that process should be, because he had not sufficiently considered the matter, but he thought an equitable method might be suggested. He felt confident no one desired to do an injustice. The alteration could be easily inserted in the consolidation Bill which the Minister proposed to introduce next session.

HON. F. T. CROWDER said he would vote for Mr. Kidson's amendment. If the Government had increased the license fees for the sake of the revenue, a more just way of effecting that end would be by raising the license fees of the spirit merchants. He did not think the Government cared whether the clause was in the Bill or no. It was not in the original Bill as introduced by Mr. Burt, but had been inserted by some irresponsible member. He was very much surprised to hear Mr. Randell say that he would be glad to have hotel licenses raised to £100. Mr. Randell evidently believed in the principle of taxing a man for improving his property, as the City Council did. In none of the Australian colonies was more than £50 asked for the largest hotels, and why £70 should be charged here he did not know, especially remembering that hotel-keepers here were charged a heavier duty on spirits, and that the laws worked very harshly on those who held licenses. He trusted the House would see that the clause was struck out.

HON. G. RANDELL said that the magisterial district was not an imaginary line, as stated by Mr. Kidson, but a well-defined line. He was not quite satisfied that the clause was an equitable one, but, seeing the large business that hotels in

Perth were doing, he thought they ought to pay a fair share to the revenue; especially when it was remembered that, as admitted by the judges of the Supreme Court, a great deal of the expense of administering justice was attributable to the sale of spirits and beer. The extra £20 asked for would help to meet the large increase in the numbers of the police, and in the immense expenditure otherwise caused through drunkenness. It would be better to allow this clause to remain as it was, although he did not think it was quite an equitable arrangement. It might be amended in the consolidating Bill which was to be introduced next session.

HON. R. S. HAYNES did not consider that the fact of the Bill having been introduced elsewhere was any argument why the Council should not discuss it.

THE MINISTER OF MINES: What he had said was that the Bill should be entitled to respect on that account.

HON. R. S. HAYNES said the argument at once raised a spirit of opposition in his mind, as it was an admission of weakness. He could not understand why we should increase the tax on people because their business had increased. Why should we single the publican out more than others? No other business would have its tax increased on that ground. The object of the license fee was to pay for the upkeep of the staff necessary for the proper sale of liquor and for no other purpose, and the House had no right to make the publican pay more for lighthouses and general purposes, for which he had already been taxed in common with others. If a man invested his money in a business for which he expected to have to pay a tax of £50, the House had no right to interfere with him and make him pay more.

HON. A. P. MATHESON said he would support the amendment. No argument had been adduced why the particular publicans in the particular districts named should have been selected for this vexatious increase of their taxation. He had no objection to the whole scale of charges being revised, but he did object to special ones being selected for extra taxation. Before making any changes in the license fees, hon. members should have statistics before them to show what trade was being done, so that if differential rates were to be imposed they should be based on something logical. At present they seemed to be based on somebody's fad.

HON. F. T. CROWDER said the clause was useless, as the licenses for the present year had already been granted, so that the Bill would not come into operation for twelve months. Seeing that the whole of the liquor laws were to be consolidated during the next session, there was no necessity for this clause to remain in the Bill, therefore he did earnestly hope that it would be struck out.

THE MINISTER OF MINES: Mr. Haynes had accused him of bringing forward the stock argument that the Council were not to criticise a measure because it had been passed in another place. He (the Minister of Mines) brought that argument forward at times, because the other House was composed of the direct representatives of the people. The Bill was discussed there, and after it had had very careful consideration at the hands of the members of that House it was sent to the Council.

HON. R. S. HAYNES: The Cemeteries Bill, for example.

THE MINISTER OF MINES: The Council was a critical body. It was not exactly a legislative body, but a critical one. We were really here for the purpose of watching the legislation that was introduced and brought forward by the other House, and, after a measure had been considered by the direct representatives of the people, it should have the careful considerat on and respect of this House. The Council should be careful before throwing out any Bill that came from the other House, or amending it in such a way that possibly it would be thrown out altogether, because if the other House introduced a measure which was for the amelioration of any section of the people, and it was amended in this House to such an extent that the other House had to throw it out altogether, the Council would have to bear the responsibility. This was a case in point. The Government introduced a bill for the purpose of doing away with the adulteration of liquor. The representatives of the people, including an hon. member who was the largest holder of licensed houses in the colony, introduced

an amendment by which these licensed houses were to pay a larger fee.

HON. G. RANDELL: The hon. member in question did not introduce the amendment.

THE MINISTER OF MINES: It did not come from the Government,

HON. A. B. KIDSON: The Government were too sensible.

THE MINISTER OF MINES: The amendment had been introduced by the representatives of the people. How were the Council to deal with it? He was prepared to abide by the decision of the Council. The Government in introducing the Bill did not include this clause, which had been inserted at the request and suggestion of independent members, and had been adopted by the representatives of the people. Under these circumstances he would leave the matter in the hands of the Council.

HON. F. T. CROWDER said he had just referred to the New South Wales Act and found that the license fee was £30. Therefore the largest hotel in the Australian colonies, the Australia, only paid £30 license fee, and yet the largest hotel here did not take as much money in a month as the Sydney hotel did in a day.

Amendment—that the clause be struck out—put, and division taken with the following result:—

Ayes	...	...	9
Noes	...	...	5
Majority for		...	4

AYES.	NOES.
The Hon. D. K. Congdon	The Hon. R. G. Burges
The Hon. F. T. Crowder	The Hon. G. Randell
The Hon. J. W. Hackett	The Hon. J. H. Taylor
The Hon. R. S. Haynes	The Hon. E. H. Wittenoom
The Hon. A. H. Henning	The Hon. D. McKay
The Hon. A. B. Kidson	(*Teller*).
The Hon. A. P. Matheson	
The Hon. J. E. Richardson	
The Hon. E. McLarty	
(*Teller*).	

Amendment thus affirmed, and the clause struck out.

At 6·30 p.m. the CHAIRMAN left the Chair.

At 7·30 p.m. the CHAIRMAN resumed the Chair.

Clause 21—agreed to.

Clause 22—Amendment of 44 Vict., No. 9, Section 61:

HON. F. T. CROWDER moved that, in line 13, between "shall" and "be" the word "not" be inserted. Hotel-keepers at the present day were compelled to supply *bonâ fide* travellers with liquor. There were many hotel-keepers in the colony who, if they had their own way, would close their hotels altogether on a Sunday, but under the existing Act they were compelled to serve all travellers. Just now people from the goldfields on their way to catch a vessel for the eastern colonies stopped at Fremantle on Sunday. They visited a hotel and asked for refreshment. While there a policeman visited the house and took their names, and the publican was summoned. If the onus was placed on the publican to prove that the persons whom he supplied liquor to were *bonâ fide* travellers, it would be impossible for him to do so, because those to whom he had supplied the liquor would be on their way to other colonies when the case was called on for trial.

HON. G. RANDELL: The hon. member had better move that the proviso to the clause be struck out.

HON. F. T. CROWDER would move that all the words after "forfeited," in line 11, be struck out.

HON. R. S. HAYNES would not place the onus of proof on the publican or the police. He believed under the present law the onus of proof rested on the publican. He did not think that in any case such as that cited by the Hon. F. T. Crowder the magistrates would place the onus of proof on the publican.

HON. A. B. KIDSON had not the slightest hesitation in supporting the amendment. He had no doubt that at the present time the onus of proof was on the publican. The proviso to the clause was therefore unnecessary.

HON. G. RANDELL said he agreed with the views that had been expressed. He saw no necessity for the proviso and would vote for the amendment.

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

Clauses 23 to 25, inclusive—agreed to.

Postponed Clause 7—Sale or possession of adulterated liquor:

The amendment—that in line 6, the words "salicylic acid" be struck out, which had been moved when the clause

was previously under discussion—put and passed.

HON. A. B. KIDSON moved as a further amendment that, in lines 22 and 23, between "for" and "brandy," the word "bulk" be inserted; also between "for" and "gin," the word "bulk" be inserted. The clause drew no distinction between spirits sent to the colony in bottle or those imported in bulk. There were special brands of spirits imported in bottle, and a publican should not be allowed to reduce a spirit beyond what it purported to be. As the clause now stood, a publican could reduce a spirit down to 25 degrees, and as special brands of spirit imported in bottles were as a rule reduced to 15 degrees, this would allow the publican to further reduce the spirit 10 degrees. The bulk of the spirit came to the colony so much overproof, and it was necessary that it should be reduced in strength.

HON. R. S. HAYNES: This was class legislation. The amendment would be in the interests of the wholesale people. A merchant could reduce spirit in bulk, but the publican was not allowed to reduce the spirit in bottle.

HON. A. B. KIDSON: Bottled liquor came to the colony in capsuled bottles purporting to be of a certain brand. The effect of the clause would be to allow the hotel-keeper or the wholesale merchant to take the capsules off and add ten degrees of water. A person going to a hotel and asking for a certain brand of liquor expected to get that brand, and not to get liquor which had been reduced in strength.

THE MINISTER OF MINES preferred to see the clause remain as it stood. The clause did not provide that a publican should reduce the liquor: it only said that if the liquor was adulterated with water, and was not reduced more than 25 degrees underproof, it should be looked upon as a good defence in a case in a court. It should be looked upon as a good defence if they put water to it. In his opinion, it would be a good thing if more water were added to the liquor. He supported the clause as it stood.

Amendment (Mr. Kidson's) put, and division taken with the following result:—

Ayes	4
Noes	6
Majority against ...	2

AYES.	NOES.
The Hon. R. G. Burges	The Hon. F. T. Crowder
The Hon. A. B. Kidson	The Hon. R. S. Haynes
The Hon. D. McKay	The Hon. A. H. Henning
The Hon. J. E. Richardson *(Teller).*	The Hon. G. Randell
	The Hon. E. H. Wittenoom
	The Hon. E. McLarty *(Teller).*

Amendment thus negatived.

Clause (as previously amended) put and passed.

New Clause:

HON. A. B. KIDSON moved that the following, to stand as Clause 22, be added to the Bill:—

The Licensing Magistrates may, before granting a provisional certificate, require the applicant to enter into a bond, with one or more sureties approved by them, in favour of Her Majesty, Her heirs and successors, in a sum to be fixed by the Licensing Magistrates at the hearing, conditioned to be void in case the premises are duly completed within the time specified by and to the satisfaction of the Licensing Magistrates, otherwise to be of full force and virtue.

He said this clause was approved by the public, and by those magistrates who had the administration of the licenses. Numbers of applications had been made in the past, and would be made in the future, for speculative purposes. Persons applied to magistrates for provisional certificates, and when they got them, instead of having any intention of erecting hotels, hawked the certificates round the colony for the purpose of selling them at a premium, and when they could not do so the certificates lapsed, and the hotels were not built. That was not right, and it was in order to stop that sort of thing that he had framed this new clause. The effect of the present system was bad in every way, as it stopped other persons who were really desirous of putting up hotels for the convenience of the public from doing so, because, while the certificates were in force, the licensing magistrates were not likely to grant other provisional certificates. These licenses were not easy to obtain, as the certificates were granted with great reluctance by the bench. If the bench had any doubt as to the *bonâ fides* of the applicant, they should be at liberty to call upon him to enter into a bond for the due carrying out of the conditions imposed in the certificate. If this were done, the hawking system would be stopped. If the clause were not satisfactory, he would be very glad to agree to any amendment that might be suggested. But the principle

was undoubtedly a good one. He had had the assistance of Mr. Haynes in framing it, for which he was very grateful.

HON. G. RANDELL: The clause would undoubtedly have a beneficial effect. The strongest statements were sometimes made to the bench that hotels would be commenced immediately: provisional licenses were therefore granted, and yet the hotels were not built. He hoped the committee would agree to the insertion of the clause.

HON. R. S. HAYNES supported the clause. It had been objected that its adoption would create a "close borough," and that the bond might be placed so high that only a favoured few would be able to give it. That would be the result, no doubt, if the magistrates were bound to ask for a bond in every instance; but the magistrates had full power either to ask for a bond or not, as they considered best, and the best plan would be to leave the matter in the hands of the bench.

Put and passed.

New Clause:

HON. R. S. HAYNES moved, as a new clause:

Section thirty-three of the Act 44th Victoria, No. 9, is hereby amended by striking out the proviso at the end thereof.

The first part of the section provided that a licensee should be entitled to have a renewal of his license if it had not been allowed to expire, or if it had not become void or voidable; after which came the following words: "provided also that no "objection to such renewal as is herein- "before mentioned shall have been taken "and established in manner by this "Act provided to the satisfaction of "the licensing magistrates on the applica- "tion of such renewal." According to this section, if a person started a private school alongside a hotel, the license could be refused. If the ratepayers of a district petitioned against the granting of a license, the magistrate must refuse it. He suggested that the clause should be amended on the English lines, so that whenever a licensee was fined it should be noted on his license; when the magistrates renewed the license, the fine should be indorsed on it.

Put and passed.

HON. R. S. HAYNES said he did not propose to move the amendments of which he had given notice, as the Minister of Mines had promised that a new Bill would be introduced next session consolidating the existing statutes, and he hoped by that time members would have fully considered the matter.

Schedule, preamble, and title—agreed to.

Bill reported with amendments, and report adopted.

NOXIOUS WEEDS BILL.

SECOND READING (MOVED).

THE MINISTER OF MINES (Hon. E. H. Wittenoom): It will require very few words from me to move the second reading of this Bill. The Bill has been brought forward at the instance, I believe, of the Agricultural Bureau, the members of which are taking a great deal of trouble to make themselves acquainted with the desires and interests of the people in the country districts. We are all aware that noxious weeds, not only in this colony but in the other colonies, injure the agricultural industry and interfere with the raising of stock, and every effort should be made to extirpate these weeds from the country.

HON. R. S. HAYNES: Does this Bill apply to cigars?

THE MINISTER OF MINES: I do not know whether you would call a cigar a noxious weed, but the hon. member's facetious remark is well timed and well placed on this occasion. According to this Bill, the Governor has power to appoint a board, which is to be called a Noxious Weeds Board. I do not know whether hon. members would care to be associated with a board with a nomenclature of this kind, but that, I understand, is to be the name of the board. There is to be a Noxious Weeds Board in each district, and the duty of that board will be to recommend to the Commissioner of Crown Lands the particular class of weeds in their district or locality which shall be considered as noxious weeds. As soon as this board has forwarded a list of the weeds, in accordance with the first schedule of this Bill, these weeds will be proclaimed in the *Government Gazette* as noxious weeds, so that everyone will know what are considered noxious weeds and what are not. After this the Governor is empowered to

appoint inspectors, who are recommended by the Noxious Weeds Board. These inspectors will be able to go through the country districts and see that the provisions of the Bill are carried out. Power is given to the inspectors to go on any land, either at the instance of the board or on their own account, without notice, to see if noxious weeds are growing, and to see the exact condition of the land. Any person who obstructs these inspectors in the execution of their duty is liable to a penalty of £10, a penalty which I am sure every one will admit is a just one. Within one month after receiving notice the owner or occupier of the land must extirpate or clear away any noxious weeds that are on his particular holding, and he has to do this under a penalty of from £2 to £50, at the discretion of the magistrate. After the owner or occupier has had notice, he is allowed a month to go to work to get rid of these noxious weeds.

HON. R. G. BURGES: Allowed only one month? What is the use of this Bill?

THE MINISTER OF MINES: I take it that it is anticipated our agriculturists are very good, and that they will not have many weeds to get rid of, so that what weeds they do have growing can be cleared off within a month. Of course there may be negligent men, but a great many weeds can be cleared away in a month. I daresay there are provisions which will allow of the time being extended if occasion should arise. Where land is unoccupied a notice is given in the *Gazette*, which will continue for a month, and even where land is occupied and nothing is done with the weeds after the notice, the board can instruct inspectors to employ labour to extirpate the weeds, and the cost of doing this will be charged to the owner of the land. In the case of unoccupied land, it is necessary to clear weeds away, so that those who have farms contiguous will not suffer from the neglected land and the noxious weeds which grow upon it.

HON. R. G. BURGES: We are asked to pass this Bill before we know what are noxious weeds.

THE MINISTER OF MINES: Boards will be appointed, and these boards will say what are noxious weeds

HON. R. G. BURGES: But they may not be noxious weeds.

THE MINISTER OF MINES: The Government are not likely to appoint members on a board who do not know what noxious weeds are. The Bill provides that where no one occupies a piece of land, and the owner is not known, the inspector can proceed to exterminate the weeds, and if the expenses are not found in any other way—by an order of the Supreme Court or of a judge—a portion of the land may be sold to pay expenses; but this can only happen within eighteen months from the appearance of the last advertisement. A series of advertisements has to be inserted in a newspaper, and within eighteen months of the last advertisement the land or a portion of it may be sold. Clause 15 points out what portion of expenses the holders of Government lands have to pay to exterminate weeds. This clause refers to such people as Crown lessees. It is provided that any lessee of Government land who has spent in one year up to £100 in exterminating weeds may ask the Government for any reasonable amount for carrying on the work of extermination.

HON. R. G. BURGES: I suppose there is to be another department to administer this Bill.

THE MINISTER OF MINES: There will not be another department. Clause 16 sets out the proportion of expenses to be paid between the occupier and the owner of land. It will be seen that the occupier, if three years of his lease are to run, has to pay the expenses of clearing away the noxious weeds. If he has less than three years, a proportionate amount has to be paid by the owner, and if he has less than one year, the owner has to pay the whole of the cost. The Act 38 Vict., No. 12, is repealed. This is the Spanish Radish and Scotch Thistle Prevention Act of 1894. That Act is repealed and is absorbed into this one. If a board in any particular district believe that there are noxious weeds, they can be advertised as such and cleared. Care will be taken by the Governor-in-Council, as care always is taken, in the appointment of these boards to select the best men in the district, and men who know what they are talking about, and what they are doing.

HON. R. G. BURGES: That is doing away with self-government—it is going backward.

THE MINISTER OF MINES: Most boards throughout the country are appointed by the Governor-in-Council.

HON. R. G. BURGES: The roads boards and school boards are not.

THE MINISTER OF MINES: The selection by the Governor-in-Council would probably be better than a selection by the people. At any rate, great care will be taken by the Governor-in-Council to appoint to these boards gentlemen who know something about the business. I could instance several boards who have been appointed by the Governor-in-Council. The Bill proposes to meet the wishes of the people, and to find out what are considered noxious weeds in each locality, and then have them exterminated. I am sure hon. members will read the Bill carefully, and I shall be glad to hear of any amendment or suggestion by those interested in this matter. I believe this Bill has the assent of the Bureau of Agriculture. It has been carefully and well thought out, and I think I can appeal to the good sense of hon. members in this House to pass it. I move that the Bill be read a second time.

HON. R. G. BURGES: I rise to make a few remarks before the second reading of this Bill is agreed to. I should like to know whether the Government have received any call for a Bill of this kind. I have not seen any letters in the newspapers crying out for a Bill like this, and I think it is only brought up by some of the idlers in the bureau, who go about the country doing nothing, or are idling their time in the department. It is all very well for the Minister of Mines to say that the Governor can appoint people who will satisfy the public. I think we are going back altogether when we leave the appointment to the Governor-in-Council to nominate a board for us. The Minister of Mines must know, and he has often made it a boast that he has been elected a member of three roads boards. Surely, when we have roads boards and school boards, and all the important boards elected by the people, I do not see why we should go back and ask the Governor-in-Council to appoint this board. The Minister has boasted, as I have said, that he is a member of three roads boards.

THE MINISTER OF MINES: Two roads boards.

HON. R. G. BURGES: What have the elected roads boards done in the colony within the last twelve months? I will show presently what one of the roads board did do, but I wish to emphasise the fact that this Bill has not been asked for except by the secretary of the Agricultural Bureau. As far as the Bill goes it is a good one, but I remember that a Bill of this very nature was brought on in the Legislative Assembly last year. It was placed on the table, but never heard of afterwards. It never went to the second reading, and I believe that the chairman of the Bureau and some of the members of the House never saw it.

THE MINISTER OF MINES: This Bill has passed the Assembly.

HON. R. G. BURGES: That is no reason why we should pass it. We are here to do our duty and criticise the Bill. It is well known that a lot of Bills are passed through the other House and that trouble is not taken with them. Members who go across to the other Chamber will see half-a-dozen members out of a House of 40 discussing Bills.

HON. G. RANDELL: Is the hon. member in order?

THE PRESIDENT: The hon. member must not refer to another place in that way.

HON. R. G. BURGES: I withdraw it. Although this Bill has been passed in another House, that is no reason why it should be passed here. We have a public duty to do, and we shall do it without fear or favour. We must act independently in this House.

THE MINISTER OF MINES: I only said that it had been considered there.

HON. R. G. BURGES: Speaking in reference to what I said just now, I know a roads board, consisting of a lot of new members, who passed a resolution, with one dissentient, to this effect, that lands belonging to people which had been taken up in the early days should be resumed and used for the public. That is what an elective board did. I hope hon. members will support me in attempting to throw this Bill out. At this late hour of the session—because Parliament is to be prorogued next week—this Bill is brought forward, but I am sure it can stand over until June. These little Bills should not be forced on the people. This measure may concern those people engaged in pastoral pursuits as well as

those in the agricultural industry, and there is no necessity to hurry it through. Parliament purposes to meet next June, and that is not far off, and all the weeds that will seed by that time will not do much harm. I suppose this Bill would not come into force much before then, even if it is passed. Clause 2 says: [Clause read.] Of what use will this Bill be? There are a good many members who know the Java bulb which grows at Guildford. But this bulb does not flower at all, and it is a great nuisance. There is another weed which has a bulb which contains about 1,000 seeds. I would like the Minister to try his hand on eradicating that within a month. I am sure all the members of this House could not do it in a generation. There is no doubt that an Act of this sort, if carried out well, might do good when the country gets more settled. We have weeds here now which were brought with the hay from the other colonies, and that is where all the weeds come from. But when we produce our own wheat and fodder we shall not have so many of these weeds imported. But it is to the interests of the people of the country themselves to see that the noxious weeds are not allowed to spread over the land, and I think they are doing it. But if we have this little Bill it will mean the establishment of another department under the Bureau of Agriculture. Hon. members should watch the expenditure carefully. It is nearly time that this House took care that Bills were not passed that will cause a lot of unnecessary expense. Members who are interested in the country and who take an interest in it must know that some important and necessary works that should be carried out at once cannot be carried out for the want of funds. No one can deny that, not even the Minister, who is not listening. The sooner we pass by Bills of this description, which are not required, and for which there is no immediate necessity, the better. One of the principal reasons for the bringing forward of this Bill is to do away with the Spanish radish. I know some of the best paddocks in the country, where there are splendid pastures, where there is this Spanish radish. It is good food for stock, but it is not allowed to grow amongst the corn. Careless farmers who do not look after their land allow this weed to grow everywhere. It is in the interests of districts such as that which the hon. the Minister represents, where the Spanish radish is growing everywhere. I have been through that district and I have seen the remains of fences, of posts here and a bit of wire there, and how is it possible to keep down Scotch thistles and weeds of that descriptions with fences like I have described? You cannot keep your stock in any one paddock with such a fence. This Bill has emanated from the Agricultural Conference. The members of that conference have passed through the district to which I have referred, and they have seen the Spanish radish growing in the fields which are not fenced. I see no necessity for this Bill, but I have not thoroughly looked into it. However, I will move, as an amendment, that the Bill be read a second time this day six months. I have asked one or two members for their opinions about this measure, and they say it is unnecessary and uncalled for at the present time.

HON. J. E. RICHARDSON: I beg to second the amendment, and I indorse all that has been said by the hon. member. It is an important Bill, and I think it should go before the country before it becomes law. I want to know something about all these pains and penalties which are to be inflicted by the Bill before I can agree to its passing.

HON. R. S. HAYNES: I have pleasure in supporting the amendment. I had pleasure in listening to the remarks of the Hon. R. G. Burges, and when that gentleman gives to this House his opinions on a subject of this kind, they should carry weight, and hon. members should follow them. The hon. gentleman not only shows what good farmers ought to do, but he shows us what good farmers can do. When a gentleman like the Hon. R. G. Burges speaks against a Bill like this, we should respect his wishes. Personally, my objection to the Bill rests on this: the Bill should say what are the noxious weeds. I do not know whether a similar Act to this is in force in any other part of Australia.

THE MINISTER OF MINES: Everywhere.

HON. R. S. HAYNES: My own opinion is that there is no such Act as this in force. It is a most dangerous Bill. So far as I remember in New South Wales, when it

was wanted to eradicate weeds, the Prickly Pear or Sweetbriars and Bathurst Bur Bill was introduced by the present Speaker, Sir J. P. Abbott, having this object in view. The Bill described the weeds which it was desired to extirpate. I do not like the appointment of a board who can say what weeds are noxious weeds. What might be permitted to be grown in one district are what may be called noxious weeds in other districts. The seeds are carried about the country in hay, and while the weeds will be prohibited in York, the same weeds may be growing in other directions. I do not think that principle is good. I never will vote in favour of a Bill which vests in a board the right to say what another person shall do. We are able to make the laws, and I shall never delegate my rights to any other person or board. I know the Minister has his eye on me, and will tell you that my remarks apply in reference to the Mines Bill. That is no reason why we should pass this Bill. Hon. members representing agricultural districts did all they could for the Mines Bill, and if they voted against it the Minister cannot get them to recast their votes, but the Minister should try and cement the alliance between them; instead of widening the breach, he should try and cement it. In the few things in which I have been successful, that is how I have achieved success. I am going to vote for this amendment, because I think we should respect the opinion of such men as the Hon. R. G. Burges.

HON. A. H. HENNING: I mean to vote against this amendment, because I wish to support this Bill, which is an out-and-out farmers' measure. The Hon. R. G. Burges has told us that this is a harmless Bill. At the same time he says he will oppose it. He says that whenever this principle has been before the House he has voted against it. I speak subject to correction, but when we, the goldfields members, opposed a certain Bill before the House in several divisions, it happened that the hon. member voted against us.

HON. R. G. BURGES: I was with you sometimes.

HON. A. H. HENNING: I do not remember. The Hon. R. G. Burges, on one occasion, voted on my side.

HON. R. G. BURGES: I did.

HON. A. H. HENNING: But on three other occasions he voted against me.

HON. R. G. BURGES: Are you retaliating now?

HON. A. H. HENNING: We have one member who says that although this is a harmless Bill it ought to go to the country.

HON. J. E. RICHARDSON: I do not say this is a harmless Bill.

HON. A. H. HENNING: The hon. member indorses everything that is said by the mover of the amendment, who said it was a harmless Bill, but his supporter said the Bill should go before the country.

HON. J. E. RICHARDSON: I say that we might delay this so that it should go to the country before it becomes law.

HON. A. H. HENNING: It is important that the noxious weeds should be exterminated and kept down as much as possible. The owners of land should keep down the noxious weeds, and if they do not do so in their own interests they should be made to do it. I think it is a just and fair Bill, and one that should command the support of the House.

HON. E. McLARTY: I am inclined to support the Hon. R. G. Burges.

HON. R. G. BURGES: Hear, hear. A member of the bureau!

HON. E. McLARTY: Although I am a member of the bureau, I do not think the bureau has forced this Bill before Parliament. It originated from the Producers' Conference, and the chairman of the Bureau supported it. My impression is that the Bill will do more harm than good. The board might consider certain weeds to be noxious which the occupier of the land might think did no harm. My experience is that most of the weeds regarded as noxious can be destroyed by stock, and I agree with Mr. Burges in holding the opinion that, where paddocks are properly fenced and you have weeds of which you do not approve, in almost every case you can eradicate the weeds by stocking the fields with sheep. Under this Bill an inspector might come round and say that such and such weeds on your land were noxious, and he might put you to enormous expense to eradicate them. The inspector might come at the harvest time, and you would be expected to immediately eradicate the weeds over, perhaps, 1,000 acres of

land. It would be almost impracticable to do it. A very small landlord might have a weed, and he might complain against his neighbour who was a large landowner, and insist on his exterminating the weed, which might be of no harm whatever. This is one of those little Bills which are continually being introduced, and which the country can do very well without.

HON. A. B. KIDSON: My acquaintance with the provisions of the Bill is not large, but, after hearing the views of those hon. members who know how the provisions will work if the Bill be allowed to become law, I have come to the conclusion that it would be unwise to vote for the second reading. I am sorry for this, because I am confident that the Minister was very much in earnest in introducing the Bill. (A Member: He has to be.) Mr. Burges has explained the position as accurately as anyone could do, and he has convinced me that the Bill is undesirable. Mr. Haynes, who represents a country district, has also given his views in a most clear and explicit manner. He is entirely disinterested in his remarks, because the provisions of the Bill could not apply to the district he represents. Under the circumstances I shall have much pleasure in voting for the amendment of Mr. Burges.

HON. G. RANDELL: The Bill appears to be one of a very stringent character, and after hearing the debate I feel bound to support the amendment. I do not think that any very great harm can ensue if the Bill is postponed for six months. I am not prepared to take the responsibility of voting for the second reading.

THE MINISTER OF MINES (Hon. E. H. Wittenoom): I have listened with the deepest respect to the remarks which have fallen from those who know how this Bill will operate if passed into law, but I would like to point out that the Bill is entirely a permissive one and not a compulsory one. The Governor may appoint a board. It does not follow that he will do it. It is only where it is necessary that he is likely to appoint one. The Bill provides that it shall be the duty of the board to recommend to the Commissioner of Crown Lands that certain plants shall be declared noxious, so that when it is decided by the Governor-in-Council—who, of course, can not do so in those parts of the colony where there are no weeds—to appoint a board, it does not follow even then that the board is to dictate what shall be done or what shall not be done. The Commissioner of Crown Lands may, on receipt of a recommendation from the board, submit the same to the Governor-in-Council for approval. There again the permissive feature comes into play. It does not follow that the recommendations of the board will be adopted. If any objections are made by the people in the district, the Commissioner of Crown Lands may say "No," and the Governor-in-Council may say "No." I do not wish to force the Bill down the throats of hon. members. It has been carefully considered in another place. It has been introduced by a man who has the welfare of this colony at heart quite as much as anyone here. Mr. Burges said that the Bill would probably apply to the district I represent. I am sorry to say that that is too true. I think the Bill would do a deal of good if it were applied on the Greenough Flats. We do not possess a number of farmers there of such excellent calibre as Mr. Burges. If there were, we should have a very different return, and there would be no need for such a Bill. I feel it my duty to ask hon. members to pass the Bill. It will then be placed on record that I had the interests of the colony at heart. If hon. members choose to throw the Bill out, the responsibility will rest with them. [A MEMBER: We will take it.] Then you cannot blame me. I stand here as having championed the cause of the farmer, but they refuse the proffered boon.

Amendment—that the Bill be read this day six months—put and passed; and the motion for the second reading thus negatived, in effect.

STREETS AND ROADS CLOSURE BILL.

SECOND READING.

THE MINISTER OF MINES (Hon. E. H. Wittenoom), in moving the second reading, said: The most important part of this Bill is the schedule which sets forth the different streets which it is proposed to close. I understand that an objection will be raised to some parts of the Bill. I feel certain that any hon. members who

do not quite approve of the schedule will move their amendments in committee. There cannot, I feel sure, be much discussion on a small Bill of this description. It received a great deal of consideration in the other House, and I propose to show very briefly what are its main provisions. In the town of Bunbury it is proposed to close a street for the purpose of a recreation reserve. In the town of Pinjarrah a street is to be closed to include land in a school site. In North Fremantle the object of the closure is for the erection of a station. In Coolgardie it is for park lands. At Bardoc it is to allow for the extension of the recreation ground. At Chidlow's Well and at Bridgetown it is for purposes in connection with the Railway Department. I need not say any more till hon. members raise some question.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 9·15 p.m. till the next day.

Legislative Assembly,

Wednesday, 15th December, 1897.

Water site near Coolgardie, plans and reports—Question: Lease of Government coal area, machinery, &c., at the Collie—Motion: Proposed Railway, Esperance to Norseman; division (negatived)—Motion: Water boring and conservation, Eastern agricultural districts—Motion: *Crédit foncier* system *re* agriculture—Motion: Stock Diseases Act Administration; division on adjournment of debate—Municipal Institutions Act Amendment Bill: third reading—Adjournment.

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

PRAYERS.

WATER SITE NEAR COOLGARDIE, PLANS AND REPORTS.

THE PREMIER (Right Hon. Sir J. Forrest): On the 8th November, the member for Central Murchison (Mr. Illingworth) moved, "That there be laid upon the table of the House the plans and reports of a water site near Coolgardie, prepared by Messrs. Noel, Brazier, Grant, and Atkinson, in 1894." That motion was put and passed. I have made inquiries, and I now have to state that the plans and reports referred to are not, so far as can be ascertained, in existence. There is no knowledge of the preparation of such plans, and diligent inquiries have been made in all directions with the same result.

QUESTION—LEASE OF GOVERNMENT COAL AREA, MACHINERY, &c., AT THE COLLIE.

HON. H. W. VENN, in accordance with notice, asked the Premier: Whether the Government would be prepared to let on lease or on tribute the coal area from which the thousand tons of coal were taken, together with the plant and machinery erected for the Government by Mr. Pendleton.

THE PREMIER (Right Hon. Sir J. Forrest) replied:—The Government consider it inadvisable to do so at present, as they desire to keep this area in their own possession for a time, in case the lessees of coal leases fail to raise sufficient coal for the demand, in which case the Government will be able to arrange to raise coal from the Government reserve, which contains 320 acres. As there is a large area of coal lands, no injury to the industry is likely to result from following this proposed course; but if such is likely, the matter will be reconsidered.

MOTION—PROPOSED RAILWAY, ESPERANCE TO NORSEMAN.

MR. CONOLLY (Dundas), in accordance with notice, moved—

That, in the opinion of this House, it is desirable that, in consequence of the satisfactory proof lately given of the intrinsic value and permanence of the Dundas Goldfield, some measure should be taken at an early date for the construction of a railway from Esperance to cope with the exceptional difficulties in traffic, and the supply of goods and machinery to the said goldfield.

He said: In bringing under the notice of the House this motion for the construction of a line for connecting the Dundas fields with the port of Esperance, I am aware that this is a subject on which there has