

principle were adopted there would never be such a thing as an Amending Act. Four lines down in the clause, the words "exercising jurisdiction under section 7 of the Principal Act" were to be found; and how could they interpret this without the Act of 1883? As Attorney General he was answerable for these Acts, and he asked the committee to follow him in endeavoring to maintain uniformity in their laws rather than follow the hon. member for Albany. The hon. member had no right, not being in charge of the bill, to seek to interpolate such a word as this.

MR. DE HAMEL objected to the Attorney General wasting the time of the House as he had done in this matter. Besides this he had insulted every justice of the peace in the colony by insinuating that they would not know the meaning of the term "stipendiary," and he hoped hon. members would not be led away by the sophistical arguments that had been used. All he asked was that the word "magistrate" should be made plain by preceding it by the word "stipendiary" or "paid" magistrate, so that the Act could speak for itself, and even on this small matter the decision of the House should be recorded by a division.

MR. CANNING said that if the Government thought justices would not know the meaning of the word "stipendiary," they could easily purchase a few of Nuttall's pocket dictionaries to aid them.

MR. R. F. SHOLL said that after all the matter was not a very important one. He thought at first that the amendment would make matters clearer, but it was hardly worth wasting time over it. He therefore hoped the hon. member for Albany would not press the question further, when the Attorney General, after hearing what they had to say, still wished to keep the bill as it was. If the matter were pressed to a division he should have to vote against the hon. member.

The amendment was then negatived on the voices.

MR. DE HAMEL called for a division with the following result:

Ayes	3
Noes	17

Majority against ... 14

ATES.
Mr. Canning
Mr. Molloy
Mr. De Hamel (*Teller*).

NOES.
Mr. Cookworthy
Mr. Durlét
Sir John Forrest
Mr. A. Forrest
Mr. Harper
Mr. Hassell
Mr. Loton
Mr. Parker
Mr. Piasse
Mr. Quinlan
Mr. R. F. Sholl
Mr. H. W. Sholl
Mr. Simpson
Sir J. G. Lee Steere
Mr. Throssell
Mr. Venn
Mr. Burt (*Teller*).

Clause agreed to.

The remaining clauses were agreed to without discussion, and the bill reported.

ADJOURNMENT.

The House adjourned at half-past eleven o'clock, p.m.

Legislative Council, *Tuesday, 2nd February, 1892.*

Geraldton-Mullewa Railway Bill: in committee—Police Bill: amendments of Legislative Assembly—Game Bill: amendments of Legislative Assembly—Bankruptcy Bill: first reading—Aboriginal Offenders Act Amendment Bill: first reading—Municipal Institutions Act Amendment Bill: amendments of Legislative Assembly—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

PRAYERS.

GERALDTON-MULLEWA RAILWAY BILL.

This bill was considered in committee and agreed to without amendment.

POLICE BILL.

AMENDMENTS OF LEGISLATIVE ASSEMBLY.

THE PRESIDENT announced the receipt of the following message from the Legislative Assembly:—

"*Mr. President,*

"The Legislative Assembly acquaints the Legislative Council that it has this day agreed to a Bill intituled 'An Act to consolidate and amend the Law relating to the Police in Western Aus-

" 'tralia,' with the amendments indicated in the annexed Schedule; and in these amendments the Legislative Assembly desires the concurrence of the Legislative Council.

"JAS. G. LEE STEERE,
"Speaker."

Schedule.

- No. 1.—Page 5, Clause 12, line 6:
After the word "withdraw" to insert the words "if stationed 200 miles from Perth, or one calendar month's notice if stationed within that distance."
- No. 2.—Page 18, Clause 53, line 2:
To strike out the words "public place."
- No. 3.—Page 18, Clause 53, line 8:
To strike out all the words after the word "days."
- No. 4.—Page 18, Clause 54, line 2:
To strike out the words "public place."
- No. 5.—Page 20, Clause 59, line 1:
To strike out the words "or public place."
- No. 6.—Page 21, Clause 61, line 10:
To strike out the words "or otherwise."
- No. 7.—Page 21, Clause 61, line 15:
To strike out the words "whether for money or otherwise."
- No. 8.—Page 37, Clause 96, line 1 of sub-clause 3: To strike out the words "or sheep."
- No. 9.—Page 37, Clause 96, line 5 of sub-clause 3: To strike out all the words after "morning," and to insert the following words in lieu thereof:—"and the local authority is hereby empowered to define, by notice to be published in the *Government Gazette*, the route by which any horses, cattle, and sheep, with the exception as aforesaid, shall be driven, and after such publication no cattle, horses, or sheep shall be driven by any other route."
- No. 10.—Page 37, Clause 96, line 6 of sub-clause 4: To strike out the words "and unlawfully."
- No. 11.—Page 42, Clause 106, line 1:
Between the words "any" and "filth" to insert the words "bottles," "earthenware."

No. 12.—Page 42, Clause 106, lines 2 and 3: To strike out the words "or shall bathe or wash any person or animal in."

No. 13.—Page 43, Clause 108, line 3:
To insert the words "half-past" between the words "of" and "eleven."

Ordered—That the message be taken into consideration at the next sitting of the House.

GAME BILL.

AMENDMENTS OF LEGISLATIVE
ASSEMBLY.

THE PRESIDENT announced the receipt of the following Message from the Legislative Assembly:—

"Mr. President,

"The Legislative Assembly herewith returns to the Legislative Council a Bill intituled 'An Act to provide for the Preservation of Imported and Native Game'; and forwards the reasons, drawn up by the Committee, for the inability of the Assembly to agree to certain of the amendments proposed by the Legislative Council in the Bill:—

"No. 1.—This amendment is not agreed to because it is considered more convenient to let the Bill come into force on its passing; and, consequently, the Legislative Assembly suggests that all the words in clause 1, line 2, after the words '1892,' be struck out.

"No. 3.—The wording of this amendment is slightly altered to suit the transposition of the Schedules and is agreed to as so altered; and therefore, the Legislative Assembly suggests that the words 'and being in the first' be struck out, and that the words 'mentioned in the second' be inserted in lieu thereof.

"No. 6.—This amendment is not agreed to on the ground that it is expedient to suffer any person to apprehend the offender. The proposed amendment recognises an owner of both im-

"ported and native game, which
 "principle the Council have sought
 "to eliminate by the amendments
 "which the Assembly agrees to,
 "and, therefore, the Legislative
 "Assembly suggests that the
 "clause remain as originally passed
 "by this House.

"JAS. G. LEE STEERE,
 "Speaker."

Ordered—That the message be taken into consideration at the next sitting of the House.

ABORIGINAL OFFENDERS ACT AMENDMENT BILL.

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

MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

AMENDMENTS OF LEGISLATIVE ASSEMBLY. IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to move that a message be sent to the Legislative Assembly acquainting it that this Council does not insist on its amendment in clause 3.

THE HON. J. W. HACKETT: In view of the fact that this amendment was accepted by this House without a division, I have been somewhat curious to ascertain the ground on which the Attorney General has taken exception to it in another place. I have spent some time in investigating the Acts of the other colonies, or such of them as I could get access to, and I find that the words "private school," or any other words of similar character do not occur in any of them, and hence it appears as if their introduction in this bill were some happy stroke on the part of the draftsman. The members of this House objected to their inclusion in the bill, and struck them out; but, in another place, they have been re-inserted, and we have now before us the reasons why. They are three in number, and I challenge anyone to mention, in the course of parliamentary history and practice, three so weak, three so contradictory, and so opposed to ordinary considerations and expediency as the three set out in the message before us. It will be remembered that the ground which this House took in refusing to

agree to the exemption of private schools from the operation of the rating clauses was that this bill was brought in to declare that all buildings shall be rateable in a municipality with certain exceptions, these exceptions being grounded on public reasons. As we go through the bill we find every sub-section dealing with exemptions solely on public or religious grounds, except in this one instance, where the draftsman has gone out of his way to include a private occupation, giving it an invidious position, and favoring it above all other enterprises. The reasons given by hon. members of another place for taking this unusual course do not in any way deal with the prime cause why this House found itself unable to agree to the inclusion of these words in the clause. The first ground given for disagreeing with us is that the Assembly considers that, in the interests of education, private schools should be exempt from taxation. They do not tell us why. I will go so far as to say that their reason would have been much better and sounder if they had inserted the word "not," so that it would have read, "that in the interests of education, private schools should not be exempt." These private schools are a drug in many places, and for the reason that it is too often the case that any lady who is left in an embarrassed position in life, or a gentleman who has broken down at, perhaps, everything else, considers that he or she is eligible to open a school. In other words it is often considered that if a person is fit for nothing else he is fit to conduct an academy, at which the rising generation shall receive a fit and proper education. I could tell of many private schools which it would be much to the advantage of the colony if they were closed. I could tell of a school whose excellent head, after running for a couple of years, slipped away, being in debt to the extent of hundreds of pounds—I have heard the figures stated to be not less than £2,000. I could multiply instances both as regards schools in this town and at Fremantle, and therefore in the interests of education we should not offer special advantages for the establishment of schools of the kind I have referred to. We should rather, by every means in our power, endeavor to secure the best possible class of teacher,

and this will not be done by the inclusion of these words as desired by another place. The second reason given by the Legislative Assembly is still more remarkable than the first. It says: "Many buildings used as Sunday schools by various religious denominations would become rateable were this proposed amendment to become law, inasmuch as they are often used during the week as private schools." I have read that once or twice over, and I must say I feel myself at a loss in discussing it, for I do not understand it. Are we to encourage Sunday schools by allowing them to be let during the week as private schools, or are we to encourage private schools by letting them as Sunday schools? I must say I cannot understand it. The third reason is: "The probability is that the proposed amendment would have the effect of closing private schools now open, as the assessment would in some cases equal, if not exceed, the rent obtainable."

THE HON. J. A. WRIGHT: That proves the case.

THE HON. J. W. HACKETT: Certainly. If these schools are not able to pay two or three pounds a year on their assessment, the sooner they are closed the better. Such schools I can only stigmatise as libels on educational institutions. If a private school cannot pay a few pounds demanded for rates, the sooner it is swept away the better, and the ground left open to good schools, which can attract a sufficient number of pupils to enable them to meet their expenses. However, for my part, I am willing to accept the amendment to the clause and allow private schools to be exempt under certain conditions. It will be noticed, in the earlier parts of this clause, certain religious institutions are exempt, and I suggest that this exemption be extended to the schools. I therefore now move, as an amendment to the hon. the Colonial Secretary's motion, that the words "Provided that the words 'being the property of a religious body' be inserted after the words 'private school.'" The motion will then read: "That a message be forwarded to the Legislative Assembly acquainting it that the Council does not insist on its amendment in clause 3, provided that the words 'being the property of a religious body' be inserted after the words 'private

school,' in sub-clause (f)."

This will embrace all educational institutions conducted by our fellow Roman Catholic citizens. I think this is going quite as far as is necessary. I may point out that I am by no means satisfied with the drafting of this bill. This particular clause says that it shall not be lawful to levy any rate whatever on any lands or buildings, &c., used exclusively as a hospital, benevolent asylum, orphanage, public school, private school, &c. There is an idea prevalent that the word "school" means only a schoolroom. I venture to proffer the opinion that it does not. Magistrates will, I think, read the clause as a whole, and will hold that it includes the whole building, and they would be perfectly right in doing so, for it would be just as reasonable to say that the word "hospital" means only the infirmary wards, and does not include the matron's and others' quarters, as to say that school means only the room where the instruction is given, but does not include the boarders' and masters' rooms in the establishment. I hope this House will carefully consider the proposition of the Legislative Assembly, and I can only add that if it be agreed to in its present form it would be one of the most effectual means of discouraging good schools, and encouraging indifferent ones (of which there are already too many in this colony), I can think of.

THE HON. G. W. LEAKE: I do not wish to oppose this measure; but I must say I am inclined to agree with the Hon. Mr. Hackett in the views he has propounded. I object to the exemption of private schools on two grounds: firstly, by so doing we are performing an act of benevolence at the expense of the municipalities; and, secondly, we shall be giving an undue advantage to one particular trade. Really, sir, is it not as much a matter of trade for a person to open a school for three or four hours a day, take a number of pupils and teach them badly, as it is to engage in any other business? Besides, I think such an exemption as this would open the door to evasion. There would be nothing to prevent a person having a building, only one room of which was devoted to the purposes of education, and getting the whole of it exempt from rates. I am curious to know whether the large

public schools of England, such as Rugby, Cheltenham, Harrow and Winchester are rateable. It has been said that if we do not exempt these private schools we shall be dealing a severe blow at education, but such expressions as these mean nothing. I for one would have no objection to exempting all such schools as come within the scope of the Industrial Schools Act, but I do object to any goose calling himself a schoolmaster, or herself a schoolmistress, setting up a school, and then being exempt from rates. Then it is said if we do not agree to include these words, we shall interfere with Sunday schools. Now these establishments are generally under the direction of some ecclesiastical body, and if they are, they will be free. I shall certainly on principle support the Hon. Mr. Hackett.

THE HON. J. G. H. AMHERST: My hon. friend Mr. Leake has alluded to the large public schools of England. I believe these come under the definition of corporate bodies, but I think they pay the ordinary taxes. The Hon. Mr. Hackett has referred to the existence of a large number of private schools in this colony, and has said that it would be a good thing if some of them were abolished in order that the better ones might increase and prosper. I must say that I entirely agree with him. I see no reason whatever for that which the Assembly wishes us to agree to.

THE COLONIAL SECRETARY (Hon. G. Shenton): Since it has been proposed to exempt private schools, there has been no protest against it on the part of the municipalities. In fact I may tell hon. members that this bill was brought in at the request of the municipalities, and we may, therefore, take it that they have considered it fully. If the municipalities do not take exception to this exemption I hardly think it is within the province of this House to impose taxation when the municipalities do not ask us to do so. It is the wish of the present Government to give every encouragement to education in public as well as private schools; but as I have already pointed out, private school buildings will only be exempt so long as they are used exclusively as schools. If there is a dwelling house attached they will be liable to taxation, and such being

the case very few buildings will be exempt. Most of the private schools referred to by the Hon. Mr. Hackett are conducted in rooms attached to other buildings, and therefore will have to pay rates. The Hon. Mr. Hackett says he does not see the force of the third reason given by the Assembly for not agreeing to the striking out of the words "private school"; but let me point out that there are many buildings let by the owners at a nominal rent solely with the object of encouraging education, and if they are not exempt from taxation, the rates will come to more than the rent.

THE HON. J. A. WRIGHT: What about a boarding school?

THE COLONIAL SECRETARY (Hon. G. Shenton): That would not be exempted.

THE HON. J. W. HACKETT: Why?

THE COLONIAL SECRETARY (Hon. G. Shenton): Because it is not used exclusively as a school; at any rate that is the view I take.

THE HON. G. W. LEAKE: Does the hon. the Colonial Secretary tell us that this bill has the sanction of the municipalities.

THE COLONIAL SECRETARY (Hon. G. Shenton): Yes.

THE HON. G. W. LEAKE: Which municipalities?

THE COLONIAL SECRETARY (Hon. G. Shenton): When I was Mayor of Perth a few years ago, attention was drawn to the fact of Church property being let for the purpose of private schools, and during the present year the Municipality of Fremantle asked us to bring in this bill. We have done so, and up to the present there has been no protest on the part of the other municipalities.

THE HON. G. W. LEAKE: Then the hon. the Colonial Secretary was rather in error in using the word "municipalities." I can quite see why the municipality of Fremantle should try to oblige a very conspicuous person, and to lighten his out-goings; but I should be sorry to see such a bonus offered to enterprises of this kind, which in many cases are ill-directed and in others undesirable.

THE COLONIAL SECRETARY (Hon. G. Shenton): Every one, I think, knows the school that is particularly referred to. It is the Fremantle Grammar School,

and it is the wish of both the Government and the municipality to exempt that school.

THE HON. J. W. HACKETT: Why?

THE COLONIAL SECRETARY (Hon. G. Shenton): So that we may do all we can to encourage education.

THE HON. J. W. HACKETT: In the case of an orphanage, does the hon. the Colonial Secretary mean that only the room in which the children are given instruction will be exempt?

THE COLONIAL SECRETARY (Hon. G. Shenton): An orphanage means a place for keeping orphans, where they are kept and clothed.

THE HON. J. W. HACKETT: I think the amendment I propose will get over all the difficulties.

The amendment was then agreed to, and the motion, as amended, passed.

Ordered—That a Committee consisting of the Hon. J. G. H. Amherst, J. W. Hackett, and G. W. Leake be appointed to draw up reasons for the above proviso.

THE HON. J. W. HACKETT reported from the Committee the following reasons:—

“1st.—The Committee considers that, in the best interests of Education, private schools, when not the property of religious bodies, should not be exempted from municipal rates.

“2nd.—That the exemption of private schools as such is an interference with the principle of the Bill.

“3rd.—That the words ‘private school,’ unless as above qualified, in the sub-section (f), taken with the words just preceding, may lead to litigation and open a door to evasion of the real intention of the Act.”

THE HON. M. GRANT: Under this amendment the Fremantle Grammar School will not be exempt, and will, therefore, not be in as good a position as the Government School. I think it would be a great loss to the community if so excellent a school as this were placed under any disadvantages whatever. I have been somewhat misled in agreeing to this amendment, because I think this school should be exempt.

THE COLONIAL SECRETARY (Hon. G. Shenton): The Government also wish

to protect this school. It is the gentlemen on the other side who do not.

Question—That the reasons be agreed to—put and passed.

ADJOURNMENT.

The Council, at 4:15 p.m., adjourned until Thursday, 4th February, at 8 o'clock p.m.

Legislative Assembly,

Tuesday, 2nd February, 1892.

Aboriginal Offenders Act, 1883, Amendment Bill: third reading—Patent Act Amendment Bill: in committee—Estimates, 1892: adjourned debate upon the Treasurer's Financial Statement—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

ABORIGINAL OFFENDERS ACT, 1883, AMENDMENT BILL.

On the Order of the Day for the third reading of this bill,—

THE SPEAKER having put the usual question that the bill be read a third time, which was agreed to,

MR. CANNING said: This is the very bill with regard to which, a few minutes ago, I gave notice of my intention to move its recommittal on Thursday, in order to introduce an amendment in the bill. I had no idea the bill was coming on so soon.

THE SPEAKER: The third reading was the first Order of the Day for the present sitting; and I have now put the question, and it has been agreed to.

MR. CANNING: I spoke to the Attorney General outside the House, only five minutes ago, about recommending the bill, and no objection was raised.

THE SPEAKER: I am afraid I cannot do anything with it now. It is read a third time. I waited for some time after putting the question, to see if the