

tween the words "matter" and "such," in line 8.

Question—put and passed.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the word "twenty," in the last line, be struck out, and the word "fifty" inserted in lieu thereof.

Question—put and passed.

Clause, as amended, agreed to.

Clauses 16 to 19 agreed to.

Schedule:

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the words "not closed for a specific period or" be inserted between the words "Bay" and "not," in line 6 of the Form of General License.

Question—put and passed.

The bill was then reported.

#### BILLS OF SALE ACT AMENDMENT BILL.

##### SECOND READING.

THE COLONIAL SECRETARY (Hon. G. Shenton): I have to move the second reading of this bill. By it the 14th section of the present Act is repealed and a new clause substituted to meet certain difficulties which have arisen. The third clause of the present bill provides that bills of sale shall be attested by a solicitor of the court, but it will be seen that we propose to alter this and allow other persons to attest these instruments as well as solicitors.

Question—put and passed.

##### ADJOURNMENT.

The Council, at 10.5 p.m., adjourned until Friday, 22nd January, at 3 p.m.

## Legislative Assembly,

Thursday, 21st January, 1892.

Amendment of the Public Health Act—Returns of Railway traffic and earnings—Returns of all moneys paid to Municipalities during 1891—Supply Bill (£80,000): first reading; second reading: committee; third reading—Police Bill: further consideration in committee—Geraldton-Mullewa Railway Bill: second reading: in committee—Adjournment.

THE SPEAKER took the chair at 7 p.m.

#### PRAYERS.

#### AMENDMENT OF THE PUBLIC HEALTH ACT.

MR. DE HAMEL: I beg to move the notice standing in my name,—“That, in the opinion of this House, the Public Health Act, 1886, should be amended, by providing that the Municipal Councils be constituted the Local Boards of Health.” It will be in the recollection of the House that, last session, a bill was unanimously passed by this House to amend the Public Health Act by placing upon the members of Town Councils the duties of carrying out the provisions of that Act, instead of the Local Boards of Health. That bill having passed through all its stages in this House was rejected by the Upper House; and, in order to secure its passage here again, this session, I have thought it right, after consultation with the Government, to bring this resolution before the House, so that the House may express an opinion whether the Public Health Act should again be amended as it was proposed to amend it by the wishes of this House last session. There is one other thing I would point out as emphasising the necessity for amending this Act, and which escaped me on that occasion, but which the hon. and learned Attorney General and myself have since found out on referring to the Act, and which makes the necessity for amending the Act all the stronger. On looking into the Act we found that although the Municipalities are bound to levy a health rate for the purposes of the Act, they are not bound to collect that rate for the Health Board. Therefore, at any moment, a deadlock may occur in the administration of the Act by

the Municipality refusing to collect the rate after levying it, and telling the Board, "We have done all the Act requires of us; you must collect the rate yourselves." I need hardly point out that it would never pay any Board to go about collecting this rate; as a matter of fact they have neither the authority nor the machinery to do so, and the result would be that the Act would simply be rendered nugatory. The object I have in view, if the House agrees to this resolution, is to introduce a bill the same as we passed last year, and which, I believe, will commend itself to the good will of the members of this House this year also.

MR. HASSELL: I have great pleasure in seconding the motion of the hon. member for Albany.

Motion—put and passed.

#### RETURNS OF RAILWAY TRAFFIC AND EARNINGS.

MR. PARKER, in accordance with notice, moved that a return be laid upon the table of the House showing the traffic and earnings of all the Government railways and tramways during the year 1891; such return to be in the form of the monthly returns of traffic on the Eastern Railway as published in the *Government Gazette*, and to show the traffic to and from every station. He felt sure that the motion would require but few words from him to commend it to the House, and, so far as he understood, the Government had no objection to it.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): I understand the hon. member only means the terminal stations; he does not mean all stations?

MR. PARKER: Only the principal stations, as now published in the *Gazette* in the case of the Eastern Railway.

Motion—put and passed.

#### RETURN OF AMOUNTS PAID TO MUNICIPALITIES DURING 1891.

MR. PARKER, in accordance with notice, moved for a return showing the whole of the moneys paid or allotted to the respective Municipalities during the year 1891, out of public funds.

Motion—put and passed.

#### TEMPORARY SUPPLY (£80,000): CONSIDERATION OF HIS EXCELLENCY'S MESSAGE.

THE PREMIER (Hon. Sir J. Forrest) moved that His Excellency's Message, recommending a temporary supply of £80,000, be referred to the Committee of Supply, and that the Standing Orders be suspended so as to admit of the passage of the Supply Bill through all its stages in one day. As members were aware, the object of His Excellency's message was to give the Government funds to carry on the public service, pending the annual appropriation. Having entered upon a new year, salaries and other payments were already due, and there would be other claims by the end of the month, before the Estimates for the year were passed. It was customary, as members were aware, to pass these temporary Supply Bills in other places, and last year, it might be remembered, the House passed one for £60,000. Now the Government asked for £80,000, which, perhaps, was a little more than would be actually required, but he did not suppose the House would object to it.

Motion—put and passed.

#### IN COMMITTEE OF SUPPLY.

THE PREMIER (Hon. Sir J. Forrest) moved that there be granted to Her Majesty, on account of the service of the year 1892, a sum not exceeding £80,000 towards defraying the expenses of the various departments and services of the colony.

MR. R. F. SHOLL: I suppose when we get the Estimates this amount will be distributed under the different heads?

THE PREMIER (Hon. Sir J. Forrest): Certainly. When the Estimates-in-Chief are passed and the annual Appropriation Act, that Act will be for the sum required for the year less this £80,000. Supposing the votes on the Estimates-in-Chief amount to £500,000, the annual Appropriation Act will be for £420,000.

Motion—put and passed.

#### IN COMMITTEE OF WAYS AND MEANS.

THE PREMIER (Hon. Sir J. Forrest) moved that towards making good the supply granted to Her Majesty for the services of the year 1892, a sum not exceeding £80,000 be granted out of the Consolidated Revenue Fund of Western Australia.

MR. CANNING: I should like to ask the Colonial Treasurer whether this may be considered an exceptional course, this asking for a temporary supply?

THE PREMIER (Hon. Sir J. Forrest): No, it is usual in all Legislatures.

MR. CANNING: I think it has been objected to in many Legislatures. I think it would be more satisfactory to the House if the Estimates were brought down earlier.

THE PREMIER (Hon. Sir J. Forrest): We can't do it.

MR. CANNING: I merely make the observation at this stage.

THE PREMIER (Hon. Sir J. Forrest): I can only inform the hon. member—what I thought every member knew—that in the British Parliament and every other Parliament temporary supplies are always asked for, and granted as a matter of course, until the Estimates for the year are prepared and laid on the table. It is not always possible to have those Estimates ready by the end of the year. Supposing the House met, as it did last year, on the 20th January, how could we have prepared our Estimates and passed them through in time to meet the claims made upon the Government, to enable it to carry on the business of the country. The Estimates for the present year, I may say, are now nearly ready, but it is not likely they will be passed before the payments for January become due; and, unless we have this temporary supply, we shall not be able to meet those payments.

MR. RICHARDSON: I presume the money will be expended on the basis of last year's Estimates on the various items?

THE PREMIER (Hon. Sir J. Forrest): Yes, as far as possible.

MR. LOTON: It appears to me that under the circumstances, members can have no reasonable objection to this course. If Parliament had met sufficiently early towards the latter part of the year to have passed the annual Estimates, there would have been no necessity for this temporary supply. The mere fact of granting this supply now will not preclude any member, when the Estimates come before us, from criticising every item on those Estimates, just as if this supply had not been granted. It appears to me there can be no objection

to this grant, for the simple reason that the Government cannot do without it, owing to the fact of our meeting at this time of the year. While on that point, I suppose it was not practicable this year to have called Parliament together earlier, but I trust that in the future the Government will see the necessity, for many reasons, of assembling Parliament earlier.

THE PREMIER (Hon. Sir J. Forrest): I may inform members that in the other colonies, without any exception, they have to ask for temporary supplies, because their financial year ends on the 30th June, and their Parliaments do not meet in the middle of the year, so that the Governments have to carry on the best way they can upon temporary supplies.

Motion—put and passed.

#### SUPPLY BILL (£280,000).

This bill was passed through all its stages, without comment, and ordered to be transmitted to the Legislative Council.

#### POLICE BILL.

##### ADJOURNED DEBATE IN COMMITTEE.

The House went into committee for the further consideration of the clauses of this bill.

Part VII.—Provisions as to offences:

Clause 95—This part of Act to be subject to powers of any Municipality or other public or authorised body to make by-laws or regulations:

Agreed to.

Clause 96—Prohibition of nuisances in thoroughfares:

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) moved, that the sub-sections of this clause, which he said, was a very important one, be considered *seriatim*.

Agreed to.

Sub-section 1—put and passed.

Sub-section 2—"Every person who shall turn loose any horse or cattle, or suffer to be at large any unmuzzled ferocious dog, or set on or urge or permit any dog or other animal to attack, worry, or put to fear any person, horse, or other animal":

MR. MOLLOY said he noticed that provision was here made for what had been spoken of the other evening, with

respect to dogs attacking persons in the streets. It was then proposed that dogs running after horses in the streets should be treated in the same way as mad dogs under another clause, and he understood that the Attorney General promised to introduce some provision later on to deal with street dogs. It appeared to him that this sub-section met all that was required, and he thought those members who complained in respect to this matter should be satisfied with its provisions.

Sub-section put and passed.

Sub-section 3—"Every person who shall drive any horses, cattle, or sheep" (except milch cows, or horses or oxen "attached to any vehicle for the purpose of draught), excepting between the "hours of ten at night and eight in the "morning, with the permission in writing "first obtained of the Chairman of the "Local Authority, who is hereby empowered to define the route by which "any such stock shall be so driven":

MR. A. FORREST said he must oppose this section. He noticed that it was proposed to prevent sheep being driven through the streets at any hour between ten at night and eight in the morning, but people were to be allowed to drive milch cows. He thought the danger from milch cows was greater than from sheep, and that it would be very inconvenient for butchers and salesmen not to be allowed to drive sheep through a town except at night. In fact, it would be impossible for those in business to carry on unless sheep were allowed to be brought in at different hours from those here provided; and he hoped the Attorney General would amend the section in that respect.

MR. R. F. SHOLL said that sheep driven through the streets were a great nuisance to residents whose houses were close to the path, by reason of the dust they kicked up. There was another difficulty—the difficulty and danger to people riding or driving across Perth bridge, when confronted with a flock of sheep being driven into town. He did not see why sheep should be allowed to be driven through the streets in the day time. If they were allowed, their number ought to be limited, or we might have a flock of 2,000 sheep rushing about the streets where there was most traffic.

MR. SIMPSON thought the day had gone by when the streets of the metropolis of the colony should be converted into a sheep walk. The idea of driving sheep through the main thoroughfares of the town in business hours was simply ridiculous.

MR. A. FORREST said this Act did not apply alone to Perth; it applied to the whole colony; it applied to every little country town, and, if sheep could only be driven through a town between 10 at night and 8 in the morning, how were they going to get them into market?

THE PREMIER (Hon. Sir J. Forrest) said the same prohibition was enforced in other colonies. What would be said if sheep were to be allowed to be driven through Collins Street in Melbourne during the day time?

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) thought they should endeavor to pass laws that were likely to be carried out, and he did not think this section was one of them.

THE ATTORNEY GENERAL (Hon. S. Burt): It is the law now.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) said that was no reason why they should not try to make it better. He would draw attention to the fact that under this section no horse could be driven through a town, except at night, unless it was attached to a vehicle. It was well known that imported draught horses were often landed at Fremantle, from the other colonies, and, according to this clause, they would have to be kept on the jetty until ten o'clock at night. He was sorry to say that at Fremantle there were no stock-yards available for these purposes. Then, again, sheep were often shipped to Rottnest, and these could not be driven to the boat after 8 o'clock in the morning. He was afraid this law would remain a dead letter.

MR. RICHARDSON thought that certain back streets might be declared through which stock might be driven in a town, without that danger or inconvenience to the public that would arise from the strict carrying out of the clause. He did not think it was wise to pass laws the evasion of which would be winked at.

MR. A. FORREST said a large proportion of the sheep that were consumed in these markets were landed on the wharf at Fremantle by steamer. Supposing the steamer arrived at 9 o'clock in the morning, these sheep would have to be kept at the end of the jetty until 10 at night before they could be driven off, and the probability was that if one of them jumped off the jetty all the rest would follow. The other day he landed some valuable fat bullocks at Fremantle, and he was told he would have to keep them there until night; but, sooner than take that risk, he took upon himself the responsibility of having them driven off, and even then one fell overboard, and he was fined £10. He felt very strongly on this point, and if he stood there all night he would talk until the Attorney General promised to alter it.

MR. LOTON thought there was a great deal in what had fallen from hon. members on this subject. But it appeared to him that under clause 95 any Municipality might pass a by-law dealing with this matter, which it appeared to him would override this clause. He thought the hours might at any rate be altered.

MR. TRAYLEN did not think they should pass the clause in its present form at all. Sheep and cattle that had been cooped on board ship for days suffered quite enough torture, without being kept on the end of the jetty all day after they were landed.

MR. MOLLOY said the objection he saw to the clause was that it was necessary to get the written permission of the chairman of the local authority before stock could be driven through the town. A man in charge of a flock of sheep would have to go hunting up this person in authority to get this written permission, which would be very inconvenient.

THE ATTORNEY GENERAL (Hon. S. Burt) said, as he had remarked before, this bill was a consolidation bill; there was nothing new in this clause. When members came face to face with a law that had been in force for many years they began to kick at it. This provision had been in operation for years, except as regards sheep: the law now was confined to horses and cattle. The hours fixed were between 10 at night and 8 in the morning; did any member mean to say that there was not between sunrise

and 8 o'clock ample time to get any sheep through the town of Perth, or the town of Fremantle? At present sheep were driven through the streets at all hours of the day; he had seen them, and horses too, going at full scamper, with a policeman after them as hard as he could gallop. Was that right? Supposing the hon. member's nursemaid, out with a perambulator, met this wild mob, careering through the streets at full gallop, what would be the result? He thought it was positively dangerous. If the committee thought that 8 o'clock was too early make it 9; but certainly with the permission of the local authorities, otherwise we might have sheep driven along the main streets of the town, in thousands. There would be no difficulty in getting that authority, as some hon. member anticipated. The drover would not have to leave his sheep to go and hunt up the chairman of the local authority; whoever was sending these sheep in would have an agent in town, who could obtain the necessary permission beforehand.

MR. A. FORREST said the city of Perth extended a long distance out, and there would be no danger or inconvenience in bringing in sheep through some of the back streets. Take Palmerston Street, for instance; what harm would it do to allow sheep to be driven through that street at any hour, to the sale-yards or to the butchers'? Anybody would think, from the Attorney General, that sheep were the most ferocious animals in the world. The drovers would naturally select the most quiet streets. If Perth or Fremantle had a population of 100,000 there might be some reason for such a clause.

THE ATTORNEY GENERAL (Hon. S. Burt) said the streets which the hon. member referred to would probably be the route defined by the local authority by which stock should be driven, so that there would be no difficulty about that. And as the hon. member for the Swan had pointed out, any Municipality might make its own by-laws on the subject, and allow sheep or cattle to be driven through the streets at all times, night or day, if they liked. This part of the bill only applied to places where there was no municipal or other public and authorised body, or where the local authorities had made no by-laws. He had no wish to

force the clause down the throats of members. If the committee, in their wisdom thought it would be better to leave out the word "sheep," he certainly would not divide the House upon it. But their duty was to protect the public.

MR. COOKWORTHY thought if this clause passed it would cause great inconvenience to many people having to do with live stock. At Fremantle you could not get sheep on board the steamer at any time you thought proper; you had to take them on board when the captain or the agent gave you permission to do so. The other day he had occasion to ship a number of sheep, and if this law had been in force he could not have shipped them, because the agent of the vessel would not take them on board until the vessel was about to sail. He could understand the danger arising from driving cattle through the streets, but not sheep. It was not likely that people were going to drive them through the busiest thoroughfares, and run the risk of having them scattered.

MR. R. F. SHOLL said it was all very well to talk about Fremantle and the difficulties of shipping, but he had seen sheep kept right in the town of Perth,—on the recreation ground, for instance; they were driven there in the morning, and back at night, to the great annoyance of the citizens, especially those living on the line of route, and when there was no water-cart about. He thought something should be done to stop that sort of thing.

MR. TRAYLEN said a curious phase of the matter was that Municipalities were, apparently, allowed to override and undo this Act. So he understood the Attorney General. He was glad to hear the hon. gentleman saying that he was not wedded to the clause as it stood, and he hoped he would allow the word "sheep" to be struck out.

MR. RICHARDSON pointed out that sheep were intractable creatures to be driven through a town at night, and there would be great inconvenience if they could only be shipped between 10 at night and 8 in the morning. Shipowners did not care to allow sheep to be shipped until the vessel was about to leave, and you could not expect steamers to leave only between 10 at night and 8 in the morning, simply in order to carry out

this provision. He would move that the words "or sheep" be struck out.

Question—put and passed.

MR. TRAYLEN moved, as a further amendment, to strike out all the words after the word "morning," relating to obtaining a written permission from the chairman of the local authority defining the route by which stock should be driven through a town.

MR. RICHARDSON did not think that would be advisable. There might be many instances where it would not be advisable to give *carte blanche* to drive horses and cattle through any part of the town, without some check.

MR. MOLLOY said it could only be done within the prescribed hours, and, as to defining the route, he did not see why this could not be done once for all, without the necessity of defining it every time a lot of cattle had to be driven through a town.

MR. A. FORREST hoped these words would be struck out, as proposed. People who had anything to do with sheep and cattle had plenty of trouble without having to hunt up the local authorities, who probably knew nothing at all about it.

THE ATTORNEY GENERAL (Hon. S. Burt) said he would only point out that they had already exempted sheep from the operation of the clause, and now they proposed to allow mobs of horses and cattle to be driven through the public streets helter-skelter, to the danger of everybody. He did not think it would be wise to allow it to be done, even between 10 and 8; but, if the Committee thought otherwise, well and good.

Amendment put and negatived.

Sub-section 4—"Every person who, "by negligence or ill-usage in driving "any such stock, shall cause any mischief "to be done by such stock, or who shall "in any wise misbehave himself in the "driving, care, or management thereof; "and also every person not being hired "or employed to drive such stock who "shall wantonly and unlawfully pelt, "hunt, or drive the same":

MR. TRAYLEN moved to strike out the words "and unlawfully," towards the end of the clause. The words were a surplusage. It was only those who had been "hired or employed" to drive who could lawfully do so, and, if anybody else attempted to drive or pelt the stock, that

would necessarily be unlawful. The words were unnecessary.

THE ATTORNEY GENERAL (Hon. S. Burt) said he had no objection; the words did seem superfluous.

Amendment put and passed.

Sub-sections 5, 6, and 7:

Put and passed.

Sub-section 8—Discharging firearms, &c., or setting fire to fireworks, without permission of the local authority, an offence:

MR. TRAYLEN asked the Attorney General whether this would apply to little boys and girls setting off crackers?

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause was designed to prevent persons from annoying passengers in the streets, or causing danger to life or property. It only referred to streets or thoroughfares, where such things might be a source of danger or annoyance.

Sub-section put and passed.

Sub-sections 9 to 17:

Agreed to.

Sub-section 18—"Every occupier of a house or other tenement who shall not keep sufficiently swept and cleansed all footways, ditches, and watercourses adjoining to the premises occupied by him, and if any tenement be empty or unoccupied the owner thereof shall be deemed the occupier with reference to this enactment":

MR. TRAYLEN moved to strike out this sub-section. It seemed to him somewhat monstrous that every person should be obliged to sweep and clean the footpaths and gutters in front of their premises, or be liable to a penalty of forty shillings. Did it follow that because passengers passing along the street, say in front of Mr. Speaker's residence, threw down scraps of paper or orange peel, that His Honor next morning should direct one of his domestics to go and sweep the footpath? Probably she would decline to do so, and His Honor would be liable to a penalty of 40s. This matter had already been before the City Council, and they refused to make a by-law on the subject; they saw the utter impropriety of it. Again, if the owner of a house had the misfortune to be without a tenant he himself would be responsible under this clause, although he might be twenty-

miles away. He hoped it would be expunged.

THE ATTORNEY GENERAL (Hon. S. Burt) could only say that this was the law at the present moment, and had been so since 1876; and he had only incorporated it in the bill because it was a consolidation bill. He had no objection to its being struck out. As for the City Council not making a by-law on the subject, if they had inquired into the matter they would have found that it was the law already.

MR. MOLLOY said the reason why the City Council did not make a by-law to this effect was because they considered that the proper authority to look after this kind of scavenging work was the officers of the Board of Health, and not private citizens.

Question put—That the paragraph be struck out—and negatived, on the voices.

Sub-section agreed to.

Sub-sections 19, 20, and 21—put and passed.

Clause, as amended, agreed to.

Clause 97 to 101:

Agreed to.

Clause 102—"Any constable may at any time enter into any slaughter-house, shamble, shop, or other premises where meat is prepared or exposed for sale, and inspect and examine any meat there found, and if in his opinion any such meat shall be unfit for human consumption, he shall at once summon the person who has prepared or exposed for sale such meat before a justice, who, on being satisfied that the meat so complained of is unfit for human consumption, may order it to be destroyed; and such person shall also be deemed guilty of an offence, and, upon conviction, shall be liable to a penalty not exceeding ten pounds, or to be imprisoned for any term not exceeding one month. Any meat which shall be blown for the purpose of improving its appearance shall be deemed unfit for human consumption":

MR. A. FORREST said he would not object to this clause if there was an officer appointed to carry out these duties; but when he found that any police constable might enter a butcher's shop and condemn the whole of the meat, and bring the owner before a magistrate and get him fined £10, or a month's imprison-

ment, he thought this was putting too much power altogether into the hands of a policeman. If the meat were condemned that would be quite enough, without mulcting the butcher in a fine or imprisonment. In a climate like ours, meat might be brought in at night perfectly good, and in the morning it might be bad, and he should think that the loss of the meat would be sufficient punishment. He thought it was too much power to put in the hands of every policeman in the town. A constable might have a grudge against a man, and in this way be able to harass and ruin him. If the Government would appoint an inspector of health, or some other officer, to carry out this clause, he would have no objection to it, but he certainly did object to it as it stood.

MR. TRAYLEN concurred that it was rather too much power to leave in the hands of a constable to decide whether meat was fit or unfit for consumption—and by this clause he was virtually the sole judge, for, by the time he got out a summons and brought the meat before a magistrate, that meat would be sure to be unfit.

MR. MOLLOY thought this was a duty within the province of the Board of Health and their inspector, rather than of the police. He did not think it would be wise to leave such powers in the hands of inexperienced persons. He thought the clause was quite unnecessary.

MR. RICHARDSON could not agree that the clause was unnecessary. He thought they wanted some protection, but he agreed it was rather too much power to place in the hands of a policeman, to allow him to be the judge whether meat was fit for consumption or not. He thought some other authority, such as the inspector of nuisances, should be called in to corroborate the policeman's statement.

MR. A. FORREST suggested that instead of putting this power in the hand of any constable it should be restricted to sergeants or inspectors of police. He would have no objection to that.

MR. R. F. SHOLL hardly thought that any policeman would abuse this power. They trusted a great deal to the police in many other matters. As for the inspector of nuisances, he thought the inspector of nuisances had quite enough to do to look

after his present duties, without putting any extra duties on his shoulders. It would be better for the health of the city if he did what he had to do now.

THE ATTORNEY GENERAL (Hon. S. Burt) said, when meat became unfit for human consumption, why could not the butcher put it out? Why leave it to the policeman to see it at all? He thought this was a very excellent provision. He might say this was not a Government clause at all; it was inserted in the bill by the Upper House on the motion of the hon. member, Mr. Hooley, and he thought it was a very good provision himself. He saw no hardship in it. If the meat went bad before it was exposed for sale, and it was withdrawn from sale, as it ought to be, there was no offence committed. As for putting power in the hands of the police, let hon. members look at the powers they had already given to the police under clause 96, with its 21 sub-sections, under any of which a policeman could take a man into custody, even without a warrant.

MR. A. FORREST said he might inform the Attorney General that Mr. Hooley had altered his opinion considerably since this clause was inserted.

MR. MOLLOY suggested that "health officer" be substituted in lieu of "constable" at the commencement of the clause. As to the clause having been inserted by the Upper House, he did not think that was any recommendation. Members of the Upper House had no more intelligence than the members of that House; and he thought the proper authority for dealing with this matter was the health officer or the inspector under him.

SIR J. G. LEE STEERE thought the committee should bear in mind that this Act was not only intended to apply to Perth and Fremantle—which he believed were the only towns in the colony where there were health officers; it applied to all parts of the colony. Therefore if the amendment suggested by the hon. member for Perth (Mr. Molloy) were adopted there would be no one in these other places to carry out this clause. It had also been suggested that this duty should be entrusted to sergeants or inspectors of police, but there were many places in the colony where there were no such officers, and in those places meat unfit for consumption



might be sold with impunity, if action could only be taken by a sergeant or an inspector.

Clause—put and passed as printed.

Clauses 103 to 105—put and passed.

Clause 106—"Every person who shall cast any filth, rubbish, or any noxious substance into, or shall bathe or wash any person or animal in any watercourse, drain, river, ornamental water, canal, or reservoir, or shall obstruct or divert from its channel any public sewer, watercourse, drain, or canal, shall, on conviction, forfeit a sum not exceeding Ten pounds nor less than One pound, and shall pay the cost of removing such filth or obstruction, or of restoring such sewer, watercourse, drain, or canal to its proper channel":

MR. TRAYLEN said he would like to understand the meaning of the word "bathe" in the 3rd line, because in section 104 they had permitted bathing within certain hours, but here they seemed to be prohibiting bathing absolutely. Or did it mean that a person could bathe or wash himself during certain hours, but was not allowed to bathe or wash somebody else?

MR. A. FORREST said there was another most important point upon which he would like some explanation from the Attorney General. According to this clause no person was allowed to wash any animal in any watercourse or river. In that case, he presumed, it was proposed that there should be no more sheep washed in the colony. In the whole of the Eastern districts and in nearly the whole of the Victoria district sheep were washed by throwing them into pools in the rivers, but, if this clause became law, there would be no more washing of sheep in pools or streams. Surely there must be some mistake here.

THE ATTORNEY GENERAL (Hon. S. Burt) said the words alluded to here were put in the bill by the Upper House, with other amendments. No doubt members would sympathise with him in having to watch all these amendments. Some of them were very valuable indeed, but this one seemed open to some objection, and he had himself intended to move in the direction indicated by the hon. member for West Kimberley.

MR. PARKER said he proposed to add "bottles" to the list of articles men-

tioned in the clause as substances that were not to be thrown into rivers. Bottles were amongst the most dangerous things that could be thrown into a river.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) asked whether the hon. member thought such a provision would ever be observed. Never a boat went out sailing with a party aboard without emptying a certain number of bottles, which were commonly known as "dead marines." Were these people to be fined if they threw their empty bottles overboard?

MR. PARKER: Yes; he thought that out of respect for the "dead marine," they ought to give him a decent funeral.

THE CHAIRMAN thought that the throwing of bottles into any stream had been provided for in sub-section 17 of the 96th clause. Bottles and broken glass were there specifically mentioned.

THE ATTORNEY GENERAL (Hon. S. Burt) said that clause referred to drains or water-courses running through the streets; the whole clause referred to offences committed in the street.

MR. PARKER moved that in line 2 the words "bottles and earthenware" be inserted before the word "filth."

Question—put and passed.

MR. PARKER also moved to strike out the words, "or shall bathe or wash any person or animal in," in the 3rd and 4th lines, which would remove the difficulty referred to by the hon. member for West Kimberley, and the hon. member for the Greenough.

Question—put and passed.

Clause, as amended, agreed to.

Clause 107—put and passed.

Clause 108—Night-soil, etc., to be removed between the hours of 11 o'clock at night and 5 o'clock in the morning:

MR. PARKER thought 11 o'clock was too early to have the night-carts about the streets. Eleven was an early hour in summer. He thought 12 o'clock, midnight, would be quite early enough to commence this particular kind of business.

MR. TRAYLEN said if the hour was altered as suggested from 11 to 12 at night, it would be necessary to extend the time in the morning from 5 to 6, otherwise the cost of removing night-soil in Perth would be very considerably increased. As the hours were now fixed the nightmen were able to make two

journeys in a night, and they were paid proportionately; but if the hours during which they were allowed to work were reduced, they would only be able to make one journey, and their earnings would be correspondingly reduced. Moreover, we were not legislating for Perth alone but for the whole colony.

MR. PARKER moved an amendment fixing the working hours of nightmen at between half-past 11 at night and half-past 5 in the morning.

MR. TRAYLEN asked the Attorney-General if this were one of those things which could be over-ruled by a municipal by-law?

THE ATTORNEY GENERAL (Hon. S. Burt) said the section would not apply where there were municipal or local by-laws dealing with the subject.

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 109—put and passed.

Clause 110—"Persons in charge of 'stock to remove such as may die on a 'public road or highway to a distance of '100 yards, or to bury the same 3ft. 'beneath the surface of the ground':

MR. A. FORREST said this clause might be applicable to such main roads as those between Perth and Fremantle, or Guildford, or York, but it was absurd to make it apply to roads that were not even cleared. Suppose that in a flock of sheep being driven down here from the Murchison or the North a couple of hundred died on the road, was the drover expected to carry them all a hundred yards off the track or bury them? The same with cattle. He thought this clause should only apply to roads near towns, or at any rate to public roads that had been cleared.

THE ATTORNEY GENERAL (Hon. S. Burt) said this had been the law since 1871, and the hon. member now suddenly woke up to read the law, apparently for the first time. Did the hon. member think for a moment that a man who was driving sheep down, say from Kimberley, and 200 or 300 of them died on the road, would be hauled up if he did not remove the dead sheep off the road, or did he think any magistrate would be likely to convict a man under such circumstances? Such a case would simply be laughed out of court. To except roads that were not cleared would really mean nothing. The

object of the clause was simply to prevent animals dying on a public road from becoming a nuisance to passers by.

MR. PARKER thought the hon. member for West Kimberley might rest satisfied with the clause as it stood. From his (Mr. Parker's) experience of driving sheep he did not think there was much probability of their dying on the "road"; the probability was that, if they died, they would die off the road, in the bush. It would be an extraordinary thing if 200 sheep died on a road. It would be still more extraordinary, in the Kimberley or the Murchison district, to find a policeman travelling along that road. They were told the other evening that the police were very scarce in that region, and not only the police but police horses too.

MR. A. FORREST said the clause was liable to work considerable hardship in the case of people driving sheep, and there was no knowing what view some magistrates might take. As for this having been the law for the past twenty years, that was no reason why we should continue to walk in the dark for another twenty years. He moved that the word "cleared" be inserted before the words "public road or highway."

MR. PARKER would like the hon. member to explain what he meant by "cleared." Did he mean cleared of all scrub and timber? There were very few roads in the colony that were cleared their full width, and to adopt the hon. member's amendment would simply make the clause nugatory.

MR. A. FORREST said he always did admire the hon. member for York when he got up to make speeches about what he knew nothing. The hon. member asked, "Who ever heard of 200 sheep dying on the road?" Had the hon. member ever heard of poison? There were 1,200 sheep come down from the North the other day, and about 300 of them died on the road from poison. Did they expect the drover to carry all those dead sheep a hundred yards away, or give them a decent burial?

Amendment put and negatived.

Clause agreed to.

Clauses 111 to 117:

Put and passed.

Clause 118—Nothing in this Act to be deemed to prevent any person from plac-

ing an awning in front of his shop or house:

MR. MOLLOY thought this clause was in opposition to the Building Act. The City Council had distinctly refused to give permission to have these awnings put up in the streets, in front of people's premises.

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause did not apply to places where there were municipal by-laws dealing with the matter.

Clause—put and passed.

Clauses 119 to 121:

Put and passed.

Clause 122: Lodging houses, &c., may be searched for idle or disorderly persons, or rogues and vagabonds, or incorrigible rogues, &c.:

MR. PARKER asked the Attorney General what the difference was between a "rogue" and an "incorrigible rogue," under this Act?

THE ATTORNEY GENERAL (Hon. S. Burt) said the hon. member would find a voluminous description of rogues and vagabonds in an earlier part of the bill. He would see the subtle distinction which the Act drew between persons who committed certain offences there specified. He would see that persons who had no visible means of support, and sundry other persons, were described as coming within the category of "idle and disorderly." That was the first stage. Then every person once convicted of being "an idle and disorderly person" became a "rogue and vagabond;" and a rogue and vagabond convicted a second time became an "incorrigible rogue and vagabond."

Clause agreed to.

Clauses 123 to 133:

Put and passed.

Clause 134—Offences against this Act to be punished summarily before any justice in petty sessions:

THE ATTORNEY GENERAL (Hon. S. Burt) said he had been asked, and by a magistrate too, what "petty sessions" meant in this clause. Every magistrate sitting in the police court, daily, or at any time, dealing with matters that were summarily punishable, was sitting in petty sessions. It was an expression used in almost every Act in which summary jurisdiction was given to magistrates. All justices dealing summarily with offences, under this Act or any other

Act, were sitting in petty sessions. He was rather surprised at any magistrate not knowing this.

Clause put and passed.

Clauses 135 to 138:

Put and passed.

Clause 139—Appeal to General or Quarter Sessions:

MR. PARKER said it was rather a difficult matter to understand what this clause meant. Sub-section I said: "The appeal shall be made to the next practicable Court of General or Quarter Sessions having jurisdiction in the Magisterial District for which the said Court of Summary Jurisdiction acted, and in case there shall be no such Court of Sessions then to the Supreme Court: provided such Court of Appeal shall sit not less than fifteen days after the day on which the decision was given upon which the conviction or order was founded, or to the next session thereafter of such Court of Appeal." It struck him that what was meant was this: if there should be no Court of Sessions sitting within sixteen days, that then the appeal must be to the Court of Appeal. Perhaps the Attorney General would kindly say if that was right?

THE ATTORNEY GENERAL (Hon. S. Burt) said the clause gave the appellant the alternative of going to the next Court of Appeal after the decision of the magistrate was given—provided that Court sat within fifteen days—or to the next following Court of Appeal. He had the choice. If the first Court sat within fifteen days after the conviction, he could appeal to that; or, if that were too quick for him to get his appeal ready, he could appeal to the next Court. The wording, he admitted, was not very clear. It was taken from the Summary Jurisdiction Act of 1879.

Clause—put and passed.

The remaining clauses and schedules were agreed to without comment.

Title and preamble:

Agreed to.

Bill reported with amendments.

GERALDTON-MULLEWA RAILWAY  
BILL.

THE PREMIER (Hon. Sir J. Forrest): I beg to move the second reading of this bill, to authorise the construction of a railway from Geraldton to Mullewa.

This bill, as members are aware, is the last of the railway bills included by the Government in the schedule of the Loan Act last session. All the others have passed this House, and now it only remains for me to ask hon. members to pass this bill. This will make 380 miles of new railways that we have approved of, and which now will have to be constructed. When these 380 miles are constructed we shall then have nearly 600 miles of Government railways in the colony; and, if we take into account the land companies' railways we shall have no less than 1,200 miles of railway. We confidently believe that when these new railways are completed they will be productive of great good to the colony, and that the country will be more prosperous and a more pleasant place to live in. As I have said on many occasions, I think the great thing we want in this country is an easy, cheap, and rapid means of internal communication, and I believe that when the railways that are now approved of, including this Mullewa railway, are completed and in working order, great facilities will be given to the country to prosper and go ahead. As I have said, this bill was included in the Loan Act of last session, which passed this House without a division. Since that time a goldfield has been discovered near a branch of the Murchison, and therefore there is more reason now for approving of this bill than even there was last session. This goldfield is reported to be very rich, and great hopes are entertained of its becoming a very prosperous field. If these hopes are realised, of course this railway is only the beginning of a trunk line to the eastward of Geraldton, up to the head waters of the Greenough and the Murchison, and these goldfields. We all hope that these fields may be so rich and so productive that, in a very short time, we shall have to come to this House to ask for an extension of this Mullewa Railway. The line I now ask the House to approve of runs, for 25 miles from Geraldton, through a fertile country; it then passes over the Mullewa sand plain for 25 miles, which is a very unproductive country, and which has been a great stumbling-block to the development of the country eastward of Geraldton for many years. But when you cross this sand plain you come to

Mullewa, which is about 60 miles from Geraldton; and we believe that when this line is constructed, it will afford great facilities to the pastoral development of the country lying about the head waters of the Greenough and the Murchison. With this railway to Mullewa, connected, as it will be, with the Midland Railway running from the Greenough to Walkaway and Geraldton, that part of the country will be in direct communication with the whole of the central portions of the colony, with this part of the Southern Districts, and also with Albany. With regard to the Midland Railway, I am very glad to inform the House that the Company have already given notice to the Government that, in about a month from this date, they intend to have 150 miles of their railway opened fit for traffic. I only hope and believe that they will be able to go on with their works speedily; so far as I can learn, there is no reason to anticipate that they will not be able to carry out their contract with the Government. I have much pleasure in asking the House to approve of the second reading of this bill.

Motion—put and passed.

Bill read a second time.

THE PREMIER (Hon. Sir J. Forrest) moved the House into committee on the bill, when it was agreed to *sub silentio*.

Bill reported.

#### ADJOURNMENT.

The House adjourned at twenty minutes past 10 o'clock, p.m.