

Government to submit some definite proposition to the House, and to enable hon. members to give the matter their calm and deliberate consideration. There would be no secrets between the House and the Government in the matter, and he was convinced that the Government would deal in the same spirit with the Council.

Progress was then reported, and leave obtained by the Committee to sit again on Monday.

The House adjourned at twenty minutes to ten o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Monday, 24th June, 1878.*

Caution to the Public attending the Galleries of the House—Petition from Canning residents—Diaries of Inspectors of Sheep—Government Revenue Vessel—Grants of Land to Immigrants—Foreign Seamen Offences Bill, 1878: first reading—Ballot Act, 1876—Vaccination Bill, 1878: further considered in committee—Message No. 1 (Eastern Railway): further considered in committee—Boat Licensing Bill: further considered in committee—Municipal Institutions Bill, 1878: in committee—Adjournment.

THE SPEAKER took the Chair at 7 o'clock, p.m.

PRAYERS.

### CAUTION TO THE PUBLIC ATTENDING THE GALLERIES.

MR. SPEAKER, addressing the "strangers in the galleries," said it was the desire of the House to do all it could, consistent with its own dignity and the maintenance of public decorum, to accommodate those who were desirous of listening to the debates, and who took any interest in the proceedings of the Council. But it must be thoroughly understood, on the part of those admitted, that during their presence in that chamber they must maintain an attitude of perfect neutrality, and must not, by

their applause, manifest their approbation, nor, on the contrary, exhibit any feeling of displeasure at any remarks made by hon. members in that House. With every desire to accommodate the public, he must inform them that on the first occasion of any noise or disturbance, or any manifestation of feeling in any of the galleries, the House would be cleared and doors closed.

### PETITION.

MR. S. H. PARKER presented a petition, emanating from a number of settlers in the Canning, in favor of the proposed railway going on the south side of the river.

Petition received and read.

### DIARIES OF INSPECTORS OF SHEEP.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid on the Table the diaries of the various sheep inspectors of the Colony (with the exception of that of the inspector at Albany), asked for by Mr. Monger.

### REVENUE VESSEL.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) laid on the Table a return showing the expenditure in connection with the Government Revenue vessel, asked for by Mr. Marmion.

### GRANTS OF LAND TO IMMIGRANTS.

MR. CROWTHER, pursuant to notice, moved the following resolution: "That in the opinion of this House it would prove advantageous to the Colony if the Government would, in certain cases, allow town allotments to be given to immigrant mechanics—or workmen, in certain cases—in lieu of the fifty acres of country land as now promised; the Government to decide what improvements shall be made, and the term of occupancy by the immigrant to whom granted, before he receives the fee simple." Hon. members were aware that under the existing regulations, immigrants on first arriving in the Colony, whether introduced wholly or partially at the expense of the Government, or at their own cost or expense, were entitled to select a certain number of acres from any unimproved rural

Crown lands, provided that no greater quantity than 150 acres be allotted to one family. One of the conditions, however, upon which these grants were made was, that within three years of the issuing of an occupation certificate, the land must be enclosed by the immigrant with a good and substantial fence, and at least one-fourth of the area shown to be in cultivation. When hon. members came to consider the cost of fencing 150 acres of land, and of clearing and cultivating a fourth of that area—which, he estimated, would cost about £300 altogether—he was afraid it was not many immigrants, of the class we were likely to get, who would be inclined, or indeed able, to comply with these conditions. Be that as it may, it must be admitted that while the concession of grants of country land might prove useful to farm laborers and people who were used to agricultural pursuits, there were other classes of immigrants quite as necessary for the progress and well-being of the community as agricultural laborers. They must have mechanics,—blacksmiths, carpenters, shoemakers, tailors, and even tinkers; and if all these were to go into the country to settle upon their grants of unimproved rural land, the town would be very inadequately supplied with the wants and the necessities of a civilised existence. As for the unhappy tailors and tinkers themselves, to place such people, fresh from the large towns of the mother country, upon a grant of unimproved land in the rural portion of a Colony like this, could only be regarded as cruelty to animals, and must end in starvation. It would not be denied that this class of people were very desirable acquisitions in towns and centres of population, where alone they could hope to earn a livelihood, and he thought it would be well if the Government were to take into consideration the desirability of granting these men town allotments in lieu of grants of rural land. He would leave the conditions upon which the fee simple of these allotments should be granted entirely in the hands of the Government, and also a discretionary power as to what immigrants the concession should be made to. That such an arrangement as he proposed would work beneficially to the country he had

every reason to believe. It was very certain that to a large class of immigrants—indeed, to the majority—the present arrangements were of no use, for they could never hope to comply with the conditions imposed by the regulations; and he had known of more than one family,—who would otherwise have remained in the Colony and become useful citizens,—leave our shores because they could not expect, under the conditions imposed, to gratify that craving for a bit of land of their own which was the usual incitement that led to British emigrants leaving their native country. He was aware it was a very dangerous proceeding to tinker with the land regulations, or, indeed with any other laws; but in this case it would not be necessary to enact any new laws, as the Government already had the power to exchange grants of land of one description for grants of another class. He trusted the resolution would commend itself to the favorable consideration of the House and of the Government.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said he was always glad to rise to support the hon. member for Greenough in any matter which he considered conducive to the welfare and advancement of the Colony; but in the present case he was sorry he was not in accord with the hon. member. In the first place, the hon. member had proposed that the Government should do an illegal thing. The hon. gentleman stated that it was within the province of the Governor-in-Council to exchange grants of rural land for town allotments, whereas the Government had no right to do any such thing. The provisions of the land regulations as affecting immigrants were that each adult should be entitled to select 50 acres of unimproved rural Crown Lands, and the Government had no right to allow a man to select a town allotment if he preferred it to a rural grant. He would remind the House that this Colony had been generous to the fullest extent in this matter of concessions to immigrants. In none of the other Australian Colonies, nor yet in Canada, were immigrants introduced at the public expense allowed any free grants of land; such a concession was only made in the case of those who paid their own passages. Western Australia

was the only Colony that, in addition to a free passage, also gave its immigrants a free grant of land. He would ask hon. members to bear in mind what the Government had in view in making these concessions, namely to induce settlement and the cultivation of the land. What the hon. member for Greenough asked for was that such class of persons as miners, engine-drivers, shop-assistants, and such like, should, if they thought it would suit them better to remain about town rather than face the country, be allowed to select a convenient town allotment in lieu of the grant of rural land which the Government held out as an inducement to the extension of settlement. No doubt the hon. member was actuated by the best intentions in bringing forward his motion, but he thought the House would do well to pause before agreeing to such a regulation as was here contemplated. No such regulation was in operation in any other Colony, and the class of immigrants which, above all others, we were endeavoring to tempt to our shores was that to which the existing regulations would be a boon.

MR. CAREY was sorry the Commissioner of Crown Lands could not support the motion before the House. There were much greater inconsistencies in our land regulations than the arrangement proposed by the hon. member for Greenough. For instance, the 93rd clause provided that a pasturage license or lease shall entitle the holder thereof to the exclusive right of pasturage over the land specified, and on the terms therein stated, but that such license or lease shall give no right to the soil or to the timber. But what did they find when they came to examine—

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): Question.

MR. CAREY: I merely wanted to show the existence of a greater illegality in connection with our land regulations than the arrangement suggested by the hon. member for Geraldton.

MR. SPEAKER: The hon. member must confine himself to the question before the House, and not introduce any irrelevant matter.

MR. CAREY, continuing, said he thought the arrangement proposed by the hon. member for Greenough would be a great boon to a very desirable class

of immigrants. In the district which he (Mr. Carey) represented, great difficulty was experienced by new comers in finding where they could get rural land to settle upon, and very little assistance was afforded them by the authorities. And, in the majority of cases, these immigrants had not the necessary means to fence and cultivate the land as required under the existing regulation. He thought the Colony stood as much in need of mechanics as of agricultural laborers, especially now that we were going into railway construction, and he would be glad to see the resolution before the House adopted.

MR. BROWN said no doubt the hon. member for Greenough when he brought forward his motion was perfectly well aware it was not a question within the province of that House to deal with, as a matter of right, although it was true the Government had previously humbled themselves, so to speak, by coming to that House for an expression of opinion as to proposed changes in the land regulations. But the hon. member must be aware that had the Government been desirous of carrying out such a proposal as that referred to in the resolution, it would have been perfectly competent for them to have done so without the leave of that House, but, of course, with the consent of the Secretary of State. As for himself, he thought it very desirable that all classes of immigrants should have some inducement to settle in the Colony, and he believed that the granting of the concession contemplated by the hon. member for Greenough would result in retaining many immigrants in the Colony, as permanent settlers, who would otherwise leave it as soon as they could. The House would observe by the resolution that the Government was not asked to grant this concession indiscriminately to all new comers, and that it was left discretionary to impose such conditions as they thought best as to terms of occupancy and improvements. It appeared to him that the Government could have no objection to the proposed arrangement, nor yet the Secretary of State for the Colonies.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) could not help thinking that the question was one of very great importance. Of course, all the House

could do in the matter was to express an opinion with a view that the proposal be submitted for the consideration of the Secretary of State. But he would like the House to consider, before it affirmed the principle involved in the resolution of the hon. member for Greenough, what was the object in offering any grants of land at all to immigrants? It was simply this: that, conditionally upon a certain portion of the land being brought under cultivation, they would to that extent ensure the extension of settlement. He could not help thinking that even the experiment we were now trying was open to abuse—that immigrants having got their grants of land disposed of it to others and cleared out of the Colony with the proceeds; and, so far as he could see, the result of the arrangement proposed by the hon. member for Greenough would be to give these men something more saleable in the shape of land than rural grants, while at the same time it would not in any way tend to the extension of settlement and the cultivation of the soil. There was another point which the House should bear in mind before affirming this principle. Under the present regulations, free grants of country land were given to our Volunteers, but only on the same principle as land was granted to immigrants, namely with a view to encourage settlement; and next Session, if the House now affirmed the resolution before it, they would find some hon. and gallant member asking why the defenders of our hearths and homes should not be treated in like manner. Another matter to be considered in connection with this subject was the land revenue, which at present contributed a considerable item towards the Colony's income. He did not think it was a wise policy to be too free in giving away land which commanded a comparatively ready sale. He could not help thinking that the House and the Colony generally were too reckless in giving land away, as if it cost nothing, and was of no value. All these free grants of land told upon the revenue derived from that source, and in course of time would be felt by the country. The concessions formerly made to timber companies, as hon. members were aware, affected the land revenue for some years afterwards. For these reasons, he hoped

the House would pause before affirming the resolution under consideration.

MR. CROWTHER: When two parties who have the interests of the country at heart cannot agree,—as in the case of the hon. the Commissioner of Crown Lands and myself—the best thing they can do is to agree to differ. The hon. gentleman says I am not right in assuming that the Government can do what they like; but that is just what I do think. If, in the exercise of a wise discretion, the Governor and the Executive Council thought fit to endorse my views on this question of granting land to immigrants, I am sure there would not be the slightest difficulty in carrying out the proposed arrangement, even without reference to the Secretary of State or any one else, so long as the Government are guided in their actions by a common sense view of the question, and animated by a desire to act beneficially in the interests of the Colony. As to Canada, the case is very different there, as compared with this Colony. The class of immigrants who arrive there are possessed of capital, but we cannot hope to induce such people to come out here. I never intended the regulation to apply indiscriminately to all classes of immigrants other than agricultural laborers—dog-fanciers, for instance, and gentlemen of that character, but to the honest, *bonâ fide* mechanic or artisan, who comes out here with a view to improve his position, and who is desirous of settling down in the country and making it his home. To this class, I think the proposal embodied in the resolution would prove a great boon, while at the same time it would secure for the Colony a very desirable addition to its industrial power. At the present moment, I know of nineteen families of miners, whose livelihood of course depends upon their residing within easy distance of the mines where they are employed, and who are in every way a desirable class of settlers, but who would never dream of availing themselves of the existing regulations with respect to unimproved rural lands, for the simple reason that to do so would in their case amount to nothing else but starvation. Why, in the name of common sense, should not such people as these—if the principle of granting land to immigrants is to be observed at all—why should not

these people be allowed a small piece of land which would be of some use to them, and whereon they could build a house to live in? As to any abuses of the existing regulations,—as alleged by the Attorney General,—if any such abuses are practised, it must be the fault of the Government in granting immigrants the fee simple of the land before the conditions imposed are complied with. I do not ask the Government to deal more liberally with the class of immigrants whose cause I am advocating than they do at present with those to whom grants of rural land are of some use. I simply ask that a town allotment equivalent in value to what the number of acres of country land to which the immigrant would be entitled is estimated at, should be granted in lieu thereof to the *bonâ fide* mechanic to whom a country grant would be worthless. Should the estimated value of the town allotment be greater than the estimated value of the rural grant to which the immigrant is entitled, I would have him pay the difference.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said that, as the question of immigration would, at a later period of the Session, be brought under the consideration of the House, he thought perhaps it would better to defer coming to any decision upon the resolution under discussion until then.

MR. MARMION agreed to a certain extent with what had fallen from the hon. member for Greenough, but it appeared to him there were considerable difficulties in the way of carrying out the hon. member's proposal. Under the present immigration regulations, a family of three became entitled to 150 acres of rural land, which at its present estimated value (10s. an acre) was worth £75. Now the present value of town allotments was about £15 in Perth and Fremantle, and about £9 in other towns—say, an average of £10. According to this calculation, a family entitled to 150 acres of rural land, would expect seven or eight town allotments as an equivalent, and at that rate, we would very soon have to extend the areas of our townships, and, if that were done, he was afraid the allotments would be of very little use to the class of immigrants referred to by the hon. member for

Greenough. It therefore appeared to him that the question was hedged round with some difficulties. No doubt the resolution was, to some extent, a very desirable one,—though not applicable to the generality of townships. If it were only proposed to give a family one town allotment between them, in lieu of the present 150 acres of country land, the House might be disposed to agree to the resolution.

MR. SHENTON thought unless some such arrangement as that suggested by the hon. member for Fremantle were adopted, it would be a very difficult matter to carry out the proposed arrangement, and their town allotments would soon be gone. Take, for instance, the case of the nineteen families referred to by the hon. member for Greenough; why, those families alone would become entitled to 96 town allotments, which would make a good-sized village of their own.

MR. CROWTHER explained that he merely intended that the maximum quantity of rural land now given to immigrants—150 acres—should be regarded as merely equivalent to one town allotment.

MR. SHENTON: Under that circumstance, I think the proposal is one well worthy of consideration.

MR. BROWN: I support it only on that understanding.

MR. CROWTHER then amended his resolution to that effect, and the House divided on the question of its adoption, when there appeared—

Ayes	...	...	12
Noes	...	...	5

Majority for	...	7
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AYES.	NOES.
Mr. Brown	The Hon. R. T. Goldsworthy
Mr. Hamersley	The Hon. H. H. Hocking
Mr. Harper	Mr. Burt
Mr. S. S. Parker	Sir T. C. Campbell
Mr. Glyde	The Hon. M. Fraser
Mr. Carey	(Teller.)
Mr. Pearse	
Mr. Monger	
Mr. Shenton	
Mr. S. H. Parker	
Mr. Marmion	
Mr. Crowther (Teller.)	

The motion was therefore carried.

FOREIGN SEAMEN OFFENCES BILL,  
1878.

SIR T. COCKBURN-CAMPBELL moved for leave to introduce a Bill to

confer jurisdiction in certain cases over Foreign Merchant Seamen.

Leave given.

Bill read a first time.

#### THE BALLOT ACT, 1876.

MR. S. H. PARKER asked the Colonial Secretary whether His Excellency the Governor would be pleased to inform the House whether any information had yet been received by the Government relative to the Ballot Bill.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied that no official information had been received with reference to the Bill, but His Excellency the Governor had received, from a private source, intimation that the measure alluded to had been referred to the legal advisers of the Crown, but that up to the time of the departure of the mail it had not been returned to the Secretary of State for the Colonies.

#### VACCINATION BILL, 1878: FURTHER CONSIDERED IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): On the last occasion that this Bill was considered in Committee the hon. member for Geraldton threw out some suggestions as to the vaccination of adults, and it was agreed that progress be reported in order that a clause should be prepared and introduced which would clearly affirm on the face of the Bill the expediency of the principle of re-vaccination, and that public vaccinators should, out of public funds, receive a reasonable fee for performing the operation upon adults. I have now to move the introduction of a new clause, having this object in view. It has also been suggested to me since the Bill was last under consideration that there is an omission which it would be well to supply, inasmuch as the Bill does not empower the Governor to give the District Registrars any additional fee for the additional work devolving upon them under the Act. I think the House would be sorry to cast any additional labor upon these officers without at the same time awarding them some additional remuneration, and with the view of doing that, I propose, with the leave of the House to revert to Clause 3, and to move, that the words "so appointed," in

the last line, be struck out, and that the words "required to perform any duties under this Act," be inserted in lieu thereof. This would enable the Governor to provide for the payment of a fee to the District Registrars.

Clause 3 reverted to, and amended accordingly.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) then moved that the following new clause be inserted, and stand as clause 17:—"It shall be lawful for the Governor to make rules and regulations as to the terms on which Public Vaccinators shall be bound to vaccinate persons above the age of seven years, and as to the conditions on which the Public Vaccinators shall be entitled to receive a fee from public funds in respect of any such vaccination, and as to the amount of such fee; and it shall be the duty of any Public Vaccinator, without fee or reward, subject to such rules and regulations, to vaccinate any person above the age of seven years, who may present himself for the purpose, and to subsequently examine and if necessary to re-vaccinate such person in the manner provided in the case of children under the age of seven years; and to send in to the Superintendent of Vaccination, periodically, returns showing the names and ages of the persons so vaccinated, together with such other particulars as may be required by the rules and regulations aforesaid."

Motion agreed to.

Bill reported.

#### MESSAGE No. 1—EASTERN RAILWAY: FURTHER CONSIDERED IN COMMITTEE.

MR. BROWN: When progress was reported on Friday evening by the Committee having under its consideration His Excellency's message relative to the proposed railway, it was contemplated by the House to ask the Governor to telegraph to the Secretary of State for permission to proceed with the line of railway on the southern side, provided that the Government were of opinion that a practical route, which would secure a central station for Perth, and presenting no serious engineering difficulties, could be obtained by adopting the southern line. Since then I have been in conference with the Government on the subject,

and I find they consider they will be able to make a rough survey of the line where it is proposed it should enter Perth, and also to give an approximate estimate of the cost, within a very few days. His Excellency would prefer telegraphing a direct and definite question to the Secretary of State, rather than merely asking permission to take such and such a step if such and such a thing is practicable. Consequently, I have to move an amendment upon the resolution before the House, which, in effect, will be asking the Government to make the necessary surveys immediately, and to report to the House the conclusion they have arrived at, before communicating by telegraph with the Secretary of State. In that case, His Excellency, with the advice of the Director of Public Works, will in the course of a few days be able to inform us whether such a route is practicable, and what the probable cost of it would be; and the House will then be in a position to decide whether it prefers the southern route, at that extra cost, to that on the north side. If it does, His Excellency will telegraph to the Secretary of State for permission to carry out the wish of the House without further delay. The resolution I have to propose as an amendment is: "This Council having under its consideration Message (No. 1) of His Excellency the Governor, regrets to find, from a perusal of the despatches from Her Majesty's Secretary of State accompanying it, that the route to be followed by the first section of the Eastern Railway has been settled without the Council having been afforded an opportunity of selecting another route which it might prefer. This Council, however, recognizes with satisfaction the desire of His Excellency that its wishes should be met, if practicable, and—being strongly of opinion that a route on the southern side of the river between Perth and Fremantle, serving the city with a convenient and central station, possesses great advantages over that on the north side, and should therefore be adopted if such a route can be procured presenting no material obstacle to its satisfactory working in an engineering point of view, and at a cost not incommensurate with its advantages,—would be glad if His Excel-

lency could inform this Council within the next few days whether this can be accomplished, and at what cost. On receipt of such information, this Council will be prepared to take further steps upon the subjects embraced by the message before mentioned."

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the Government was prepared to accept the amendment, and he would therefore, with leave, withdraw his original resolution.

MR. S. H. PARKER was still of opinion that it would be much preferable that the House adopted the northern route already sanctioned by the Secretary of State, for the simple reason that he considered any delay would be dangerous. The course now proposed to be adopted was however a more desirable one than the suggestion made the other day that the Governor should telegraph home at once. He, however, felt perfectly certain that the expenses of bringing the southern line so as to serve the city with a convenient and central station would be altogether incommensurate with any advantages which that route would possess over the northern line.

Amendment put and carried.

#### BOAT LICENSING BILL, 1878: FURTHER CONSIDERED IN COMMITTEE.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, in accordance with notice, That the following new clause be inserted, and stand as Clause 4:—"Nothing in this Act shall apply to any boat, ship, vessel, or steamer making any coasting voyage within the meaning of 'The Colonial Passengers' Ordinance, 1861.'"

Agreed to.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, That the following new Clause be inserted, and stand as Clause 16:—"It shall be in the discretion of the Licensing Board in each case to fix the number of passengers and the quantity of goods which any licensed boat, vessel, or steamer shall be licensed to carry. If any licensed boat, vessel, or steamer shall, on any occasion, carry any greater quantity of goods or number of passengers than that mentioned in its license, or shall so carry any quantity of goods and number of passengers which, taken together, and estimated

according to the scale hereinafter mentioned in that behalf, would exceed the tonnage which such boat, vessel, or steamer is licensed to carry, or shall, on any occasion, carry passengers with less than one-eighth part of her tonnage when at sea, or less than one-twelfth part of her tonnage when not at sea, in ballast or other dead weight, the owner of such boat, vessel, or steamer shall, upon conviction of such offence, forfeit and pay any sum not exceeding Five pounds. Provided, that no infant under two years of age shall count as a passenger under this section, and two children under ten years of age shall, together, count as one passenger; for the purpose of this section, in estimating a mixed cargo of goods and passengers, one passenger shall be deemed to bear the same proportion to a ton of goods as the number of passengers which any boat, vessel, or steamer is licensed to carry bears to the number of tons of goods which she is licensed to carry."

Motion agreed to, without discussion.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in accordance with notice, moved, That the following new Clause be inserted, and stand as Clause 20:—"It shall be lawful for any member of any licensing board, or for any person employed in the Land or Water Police, to board every boat, vessel, or steamer, and demand inspection of the license thereof; and the owner or person in charge of any boat, vessel, or steamer, who refuses to produce such license for inspection, shall forfeit and pay any sum not exceeding Five pounds."

Clause agreed to, *sub silentio*, as also the remaining clauses of the Bill.

Schedule A—agreed to.

Schedule B:

MR. S. H. PARKER moved that the words "*Scale of Charges for Surveys*.—For surveying the hull and gear of any boat, vessel, or steamer, £1 1s.; for surveying the boiler, engine, or machinery of any steamer, £2 2s." be added:

Agreed to.

Preamble and title agreed to, and Bill prepared as amended.

MUNICIPAL INSTITUTIONS ACT, 1876,  
AMENDMENT BILL, 1878.

IN COMMITTEE.

Clause 1—"Short title"—agreed to.

Clause 2:—"In case that in any municipality the electors shall fail to duly elect a chairman, councillors, and auditors, or any of them, on the day appointed by the 29th section of the Act, it shall be lawful for the Governor, by notice in the *Government Gazette*, to appoint some other day for the holding of such election."

Agreed to, without discussion.

Clause 3:—"In any election to be held under this Act, if the chairman of the council is ill, absent, or incapacitated by law, from being the presiding and returning officer, any councillor of the municipality appointed by the council shall be the presiding and returning officer. Such appointment shall be notified by the council by affixing a written notice to that effect to the outer door of the municipal chamber or other accustomed place of meeting for the council of the municipality, at least fourteen days before the day fixed for the election, and keeping the same there affixed until the day of the election; but no omission to so publish the said notice shall be deemed to invalidate any such appointment."

MR. S. H. PARKER, in accordance with notice, moved, That the word "fourteen," after the word "least," and before "days," in the eighth line, be struck out, and the word "five" be inserted in lieu thereof.

Motion adopted, without discussion.

Clause 4:—"It shall in all cases be sufficient to send any notice, required to be given in pursuance of section thirty of the said Act, through the post addressed to the returning officer, care of the chairman of the council; and the chairman of the council, in case he is not going to be the returning officer, shall at once hand over to the returning officer any notice he may receive so addressed:"

MR. S. H. PARKER moved that this clause be struck out. It would be impossible for the chairman of a council, in case he was not going to be the returning officer himself, to hand the notice "at once" to a returning officer until such returning officer had been appointed.

Clause struck out.

Clause 5:—"Person returned as elected to be deemed duly elected up to day that his election is declared void:"



Agreed to, without discussion.

Clause 6:—"Power to make by-laws as to slaughterhouses:"

Agreed to *sub silentio*.

Clause 7:—"Power to make by-laws as to jetties, etc., placed under their care and management:"

Agreed to, without discussion.

Clause 8:—"Power to council to levy dog tax:"

Agreed to, without comment.

MR. S. H. PARKER moved, That the following New Clause be inserted, and stand as Clause 4:—"Section 30 of the said Act, of 1876, is hereby amended by omitting the words 'his intention thereof to the Returning Officer at such Election,' in the third and fourth lines, and by substituting in lieu thereof the words 'such his desire to the then Chairman.' And the Chairman of the Council shall so soon as a Returning Officer is appointed as provided by Section 3 of this Act, deliver to such Returning Officer all notices he may have received from candidates for election, and also the Voters' Lists for the Municipality, and the various wards thereof, duly signed by such Chairman."

Question—put and passed.

MR. S. H. PARKER in accordance with notice, moved, That the following New Clause be added and stand as Clause 9:—"Section 20 of the said Act, is hereby also amended, by omitting all the words after the word 'Municipality,' in the tenth line thereof."

Question—put and passed.

MR. S. H. PARKER, pursuant to notice, moved the insertion of the following new clause:—"Notwithstanding anything in the Municipal Institutions Act, 1876, contained, no person shall "at the election of a chairman or "auditors for any municipality be entitled to more than *one vote*; and in any "such election the returning officer shall "allow to each person voting one vote "only, and no more." The hon. member said it would be in the recollection of the House that the existing Act provided that the chairman and auditors should be elected on the accumulative principle, or, in other words, that each ratepayer should have a number of votes proportionate to the rateable value of property occupied by him within the municipality; for instance, a man whose property was

valued at £25 and under, had one vote; over £25 and not exceeding £50, two votes; exceeding £50 and not over £75, three votes; and exceeding £75, four votes. The House would also be aware that any eligible candidate for the office of chairman must be qualified to serve as a special juror. In fact, the election of a municipal chairman was hedged round with more exclusiveness than the election of a member to sit in the Legislative Council; for a man entitled to vote at a parliamentary election might have no voice whatever in the election of a chairman for a municipality. It was only persons who paid taxes and rates who were entitled to vote in the latter case, and not only was it provided that property should be thus represented but that it should be represented to the extent of its value. He never could understand why this should be the case, especially in the face of the fact that the number of voters on the municipal electoral list was much less than the number on the roll of persons entitled to vote at a parliamentary election. In Perth, for instance, there were about 800 persons on the electoral roll entitled to vote at the election of members for the Legislative Council, whereas there were only 350 ratepayers entitled to vote at a municipal election. If there were any peculiar attributes attached to the office of chairman of a municipality, he could, perhaps, understand why there should be all this exclusiveness; but, after all, what was the chairman of a municipal council? He was simply the presiding officer at the meetings of the council, and, as a rule, had to do nearly all the work: he occupied a position somewhat analogous to that of the first mate of a ship—he was the executive officer; all the work, inside the council chamber and outside the chamber, devolved upon the chairman. He was the repository of all complaints—whether arising out of a defective drain, an overflowing official, or stinks in general. If the chairman of a municipality was really placed, *ex officio*, in some exalted social position, such as that of a chief magistrate, as elsewhere, there might possibly be some excuse for hedging his election around with such watchfulness; but looking at the fact that the chairman had no more power than any other councillor he did

think all this exclusiveness was out of place. Not only that; the system of cumulative voting led to abuses. Although the Act limited the maximum number of votes to which any person shall be entitled (proportionate with the rateable value of his property) to four, yet there were instances on record in which one and the same individual had voted a great many more times. He knew of one case in which one and the same person recorded no less than sixteen votes—four in respect of his own property; four as agent for another party; four as executor for another; and an equal number as a trustee. He need hardly point out that this sort of thing afforded a very unfair priority to a person so situated. In fact, the principle was a wrong one, and should not be perpetuated. He knew very well he would be opposed in this motion by the hon. member for Toodyay, who was greatly interested in the provisions of the existing Act: in fact he had often heard it called "Mr. Shenton's Act." Possibly the Attorney General might also object to the amendment clause, on the ground that the Act was only passed two years ago. Indeed, he himself recognized the force of that objection, and would have hesitated to introduce the new clause which stood in his name were it not that a bill to amend the Act in other particulars was already before the House.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) rose to oppose the introduction of the clause under discussion. He opposed it, in the first place, on the very ground referred to by the hon. member who had brought it forward, namely that the present Act had only been in operation for two years. He thought it lowered the dignity of the Council to enact a law this year and repeal it the next. No doubt, the proposed change was desirable in the case of some municipalities; but the hon. member who introduced it was bound to show that the provisions now in force had operated unfairly and unsatisfactorily. These provisions had only been carried out on one occasion as yet, namely at the last annual municipal election, and certainly when he looked around, and saw the hon. member himself (Mr. Parker) in all the full-blown

dignity of a municipal chairman, he could not bring himself to think that the clause had worked so badly after all. The hon. member was somewhat inconsistent. He asked what was there in the office of chairman that it should be hedged round with such exactness, and said that the chairman was a mere nobody, after all, any more than any other councillor; and yet in the same breath the hon. member pointed out that he was a sort of universal referee in all cases of complaints and nuisances, of which he had enumerated a long list. Looking at the fact that the chairman of a municipality was the chosen repository of all this public discontent some explanation was thrown on what had always appeared to him (the Attorney General) to be an extraordinary fact, namely, why persons, who were usually of a modest and retiring disposition, became so pompous when they assumed the dignity of a municipal chairman that there was no holding them. He had heard that the hon. member himself, since his elevation to the dignity of the civic chair, had become altogether too big for his boots. And he (the Attorney General) did not wonder at the hon. member getting this inflated notion of his own importance, after the enumeration of the grievances of which he was made the repository. Seriously speaking, he did think it was a matter of importance that the office of chairman of a municipality should be held by persons of the calibre of the hon. member himself. These municipal councils had the management and expenditure of all the rates under their control, and it was but fair that those who contributed most largely towards the rates should have the more potential voice in the election of chairman. He would like to see the clause proposed to be amended have a fair chance of being carried out before any attempts were made to repeal it, and for these reasons he would oppose the introduction of the new clause.

MR. CAREY said he would be inclined to agree with the Attorney General, if the provisions of the Act only applied to Perth; but he knew of one instance in a country place where the successful candidate polled 62 votes, out of which no less than 17 votes were put in by one individual. In view of such

abuses as these he would support the motion before the Committee.

The Committee divided on the question, "That the new clause be added to the Bill," when there appeared—

Ayes	...	...	2
Noes	...	...	13

Majority against	...	11
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AYES.	NOES.
Mr. Carey	The Hon. H. H. Hocking
Mr. S. H. Parker	The Hon. M. Fraser
(Teller.)	Mr. Burt
	Mr. Glyde
	Mr. S. S. Parker
	Mr. Brown
	Mr. Crowther
	Mr. Shenton
	Mr. Marmion
	Mr. Pearse
	Mr. Hamersley
	Mr. Harper
	The Hon. R. T. Goldsworthy (Teller.)

The motion was therefore negatived.

MR. CAREY said he had a new clause to propose with reference to changing the qualifications for chairman of municipalities in towns other than Perth and Fremantle, but he was not at present prepared to move the clause, and he would propose that progress be reported and leave given to sit again, by which time he hoped to be prepared with the clause. Hon. members were aware that at present no person was eligible to serve as chairman of a municipal council unless he was also eligible to serve as a special juror. Now in country places very few persons possessed the necessary property qualification to render them qualified to serve as special jurors; and therefore the number from which chairmen of municipalities could be selected was necessarily very limited.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) suggested that in all the municipalities except Perth and Fremantle the qualification necessary for a chairman might be the same as the qualification which rendered a man eligible to serve on a common jury, instead of as a special juror.

MR. CAREY said he would be happy to adopt the suggestion, and would frame his new clause in accordance therewith, at the next sitting of the Committee.

MR. CROWTHER asked if, under the proposed alteration, a man who had been a prisoner of the Crown and became an expirée would be eligible for election as chairman.

THE ATTORNEY GENERAL (Hon. H. H. Hocking): Certainly not.

Progress was then reported, on the motion of Mr. Carey, and the Committee obtained leave to sit again next day.

The House, having resumed, adjourned at 10 o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Tuesday, 25th June, 1878.*

Court-house at Roebourne—Municipal Institutions Act, 1876, Amendment Bill, 1878: further considered in committee—Kangaroo Ordinance, 1853, Repeal Bill: in committee—Transfer of Land Act, 1874, Amendment Bill, 1878: second reading—Payment of Duty on Transfer of Land Bill: motion for second reading negatived—Customs Ordinance, 1860, Amendment Bill, 1878: second reading; in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### COURT-HOUSE AT ROEBOURNE.

MR. HARPER, in accordance with notice, moved, That the House do now resolve itself into a Committee of the whole Council, to consider a question of expenditure.

Agreed to.

### IN COMMITTEE.

MR. HARPER moved the adoption of the following resolution: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates a sum of money sufficient to cover the cost of providing a court-house at Roebourne." The hon. member said he had been in communication with the Director of Public Works as to the probable cost of such a building as would meet the present requirements of the place, and which hereafter might be extended, as the settlement increased in population and importance, and he was