

memorialise His Excellency on the subject, praying that he will at the next session bring in a bill to establish the system of ballot voting, both in connection with municipal and parliamentary elections. He should be sorry to see the Bill before the committee postponed for another year—it contained some very important and necessary provisions.

THE ATTORNEY GENERAL said he did not care to oppose the amendment, if the hon. member chose to put it to the committee. If carried out it would not, of course, establish the system of voting by ballot in its integrity. He might point out to the House that it was within the power of Municipal Councils to frame their own by-laws for regulating their proceedings.

Amendment agreed to.

Clauses 32 to 62 agreed to, with verbal amendments. [*Vide* "Votes and Proceedings," p.p. 70 and 71.]

Clause 63.—"No person shall suffer any waste or stagnant water to remain in any cellar or premises, &c.:"

MR. MARMION said this clause would be the source of considerable hardship to the owners of many premises at Fremantle, in which premises the cellars were underneath, and would have to be filled up above the water-level of the street.

THE ATTORNEY GENERAL said this was the very object in view. He had Fremantle in his mind when he inserted this clause in the Bill. No doubt it would be a source of hardship to some individuals, but if the House was in earnest in its desire to render towns healthy—and especially the town of Fremantle—one of the first steps to be taken would be to do away with such places as these.

MR. MARMION: The water in these cellars is not more impure than well-water, and might be used for drinking purposes.

THE ACTING COLONIAL SECRETARY: Of what use are the cellars if they are full of water? Although the water in them may not exactly be stagnant, its presence can hardly conduce to the health or comfort of those residing on the premises. The closing up of such cellars may be a cause of hardship to some individual owners, but the public health is the supreme consideration.

Clause agreed to.

Clauses 64 to 68—agreed to.

Clause 69.—"Expenses recoverable from occupier may be recovered in a summary manner; and, in default of occupier, may be recovered from the owner:"

MR. RANDELL thought the latter portion of this clause was too stringent upon the owners of property. Cases might arise in which the landlord might have no control over the tenant, and it would be manifestly unfair to make him responsible.

THE ATTORNEY GENERAL: Unless some such provision is made, the council will have to bear the expenses, in default of the occupier failing to do so.

Clause agreed to.

Progress reported.

## LEGISLATIVE COUNCIL,

*Monday, 28th August, 1876.*

"Elementary Education Act, 1871": motion to amend its provisions.—Report of Select Committee on Public Works: adoption of report in committee of the whole—Dog Bill, 1876: in committee (resumed)—Game Act, 1874, Amendment Bill: in committee—Arrest of Debtors Bill: thrown out—Municipal Institutions' Bill, 1876: in committee (resumed).

### "ELEMENTARY EDUCATION ACT, 1871."

MR. CROWTHER, in accordance with notice, moved, "That an humble address "be presented to His Excellency the "Governor, praying that he will, at the "next session of Council, cause some "measure to be introduced to amend the "provision of the existing Elementary "Education Act relating to the payment "of school teachers, so as to secure a "more equitable and satisfactory method "of distributing the funds voted by the "Legislature for that purpose." In support of the motion, the hon. member read a communication addressed to him by the chairman of the district school board at Greenough, pointing out how unfairly and injuriously the existing system operates in that district, where the average earnings of the five teachers there employed last year amounted to the dazzling

sum of £20 0s. 6d. per man. He (the hon. member) did not question the adaptability of the present system to meet the circumstances and requirements of centres of population; no doubt it had worked very well—better than even anticipated—in such towns as Perth, Fremantle, and Guildford. But it certainly had not worked satisfactorily in the country districts, and one of the results of its operation had been a deterioration in the class of teachers, consequent upon the very paltry salary they were enabled to earn under its provisions. Considerable stress had been laid by the advocates of the existing system upon the fact that, on the whole, the stipends of teachers had materially increased under its operation, but he did not think it could be said that this increase had been fairly distributed. Nor did he see, looking at the return embodied in the report of the Central Board for the past year, and judging from the cost per head of teaching a comparative number of children in 1871 and 1875, respectively, that there was much cause for jubilation over this increased earnings of teachers. He found that, in 1871, there were 63 Government schools in operation throughout the Colony, with an average attendance of 1644 scholars, who were taught at a cost per head of £2 15s. 6d. In 1875 the number of schools had decreased to 58, but there was an increase of 274 in the average attendance of scholars, which in that year reached 1918, who were taught at a cost of £2 19s. 3d. per head. He also found from the Inspector's report that there were no less than sixteen teachers whose earnings did not amount to £30 each, and six more whose pay was under £40. Out of the 70 teachers employed in the Government schools during the year, the income of no less than 27 of them was under 3s. a day—all country teachers. On the other hand, he observed that in Perth and Fremantle there were teachers—he did not say they were not deserving of it, for he believed they were—whose pay had amounted to £250 and £334, respectively. Again, in the Infant School at Perth, there was a marked increase in the emoluments of the mistress, which last year reached £164, as compared with a former fixed salary of £60. At the Barracks School again, where the teacher's

stipend was, prior to the introduction of the present system, only £25 per annum, he observed that the emoluments last year amounted to £135. All this was no doubt a very satisfactory proof of how admirably the system might be said to work in populous centres, but, as he had said before, the increased emoluments were not evenly—he might say equitably—distributed. It was with a view to remedy this state of things that he had brought forward the motion before the House, in the hope that some steps would be taken whereby, by giving greater latitude to the Central Board in the exercise of their power of subsidising school earnings, the status of country teachers might be raised. Some of these—and no wonder, under existing circumstances—abandoned the pedagogue's ferule for the policeman's truncheon, preferring the more idle, less responsible, and better paid duties of a police-constable to the drudgery, responsibility, and starvation pay of a country teacher.

SIR T. C. CAMPBELL seconded the motion. The hon. baronet said it was greatly to be regretted that it should be necessary to take this step, as it was one which the Government ought to have taken. It was understood that the Government contemplated making a move in this direction, and the country expected it, but nothing appeared to have been done. There were three reasons, amongst others, why the hon. baronet objected to the present system of payment to Government teachers. In the first place, it was a very cumbersome and unintelligible system—unintelligible to a great many members of boards administering the system, unintelligible to many of the teachers, and for that cause alone leading to great discontent; and not very long ago it was not clearly intelligible even to all the members of the Central Board. In the second place, while purporting to be a system of payment by results, it was not so in reality, but rather payment on the regularity of attendance, and the teacher's income was left at the mercy of the parents, the District Boards, and the officers for enforcing the compulsory clauses. If these latter worked diligently, all well; if not, the teacher suffered. A great part of the work of District Boards in country

localities consisted in working up the teacher's income under the 20th clause, and many really useful matters they were sometimes unable to entertain for fear of diminishing those incomes. It was the method of limiting the maximum grant under the 20th clause to which the public chiefly objected. Then, again, a great temptation was placed in the way of a struggling teacher to falsify the roll sheet, on which his payments were made. There was not any means whatever for ascertaining whether these roll sheets were correct, and it was most unjustifiable to place such a direct temptation in the way of teachers, and greatly to their credit that this temptation did not appear to have been yielded to. The House was told by His Excellency the Governor that this system is working admirably, and a comparative statement of teachers' salaries was given them in proof. But let hon. members look into that statement. Of the £1500 increase in teachers' salaries last year they would find that £900, or nearly two-thirds of that increase, went to seven schools in Perth and Fremantle, leaving £600 to be divided amongst the remaining 63. This would show of how much value the increase had been. It was a system which no doubt worked very well in centres of population, but very badly in rural districts, to the interests of which in a colony such as this a fair share of consideration should be paid. The hon. baronet trusted that this motion before the House would be supported by every hon. member.

Motion adopted.

#### REPORT OF SELECT COMMITTEE ON PUBLIC WORKS.

THE SURVEYOR GENERAL moved that the House resolve itself into a committee of the whole to consider the report of the select committee appointed to report upon what public work could be most advantageously commenced, keeping in view its extension and connection with future undertakings—whether railways or harbor works. As to harbor improvements, he did not anticipate that the House would be called upon to deal with that project for some very considerable time to come. It would be in the recollection of hon. members that, in pursuance of a resolution adopted by the Council last year, a barrow-load of plans, ema-

nating from various eminent local marine engineers, had been sent home for the opinion of Sir John Coode, and, in the course of a few months, we might expect to see a gentleman sent here from Sir John Coode's office, who will visit Fremantle, and, after a few weeks' sojourn there, will, in all probability, draw up some very elaborate scheme of harbor works quite beyond the means of the Colony, for which the Colony, however, will have to pay the piper. Nevertheless, he trusted that these designs would not be altogether lost to the country, but that when, in process of time, the Colony could boast of a national museum, these very elaborate plans would find a niche in that section of the museum devoted to natural curiosities, and be thereby handed down to an admiring posterity. With reference to the public work recommended by the committee for adoption, few, he opined, would differ from them in their recommendation. It was an undertaking which he believed was within the means of the Colony to undertake and carry out; and he trusted the same feeling of unanimity would pervade the House in dealing with the report of the select committee as had animated that committee in framing the report.

#### IN COMMITTEE.

MR. SHENTON differed in opinion with the hon. the Commissioner of Lands as to the probable delay which would arise in relation to settling the question of harbor works at Fremantle. He thought it was very few who had recently visited the port, and who were capable of forming any opinion about the matter, but must be convinced that Owen's Anchorage would be far the most desirable site for a harbor in connection with Fremantle. True there were objections to the site on account of its distance from Fremantle, but this could be easily overcome by the construction of a short line of railway connecting the two places. He had lately, with other hon. members, had an opportunity of inspecting the very elaborate plans and surveys prepared by the Admiralty Marine Surveyor, from which it appeared that the only objection in the way of the formation of a safe and commodious harbor at Owen's Anchorage was the existence of a very narrow sand-bank which lay across the entrance, and

which, by means of dredging, might be easily removed. With reference to the particular work recommended in the report under consideration, he thought that when the official survey of the line between Fremantle and Guildford were made, it might, at the same time, be judiciously extended to the Eastern districts. He further considered that whatever route might be recommended in view of the proposed eastern extension, regard should not be had to the shortness of the route, but rather to the important condition of its embracing within its circle as many of the outlying districts and townships as possible. He was altogether in accord with the principle recommended for adoption by the Secretary of State with regard to the principle of constructing railways as purely Governmental works, in preference to a system of limited guarantees, which system was, in the majority of instances, both deceptive and embarrassing. He did not think that the proposed line would, for some time, be a reproductive undertaking; possibly it would not, for a few years, pay the interest upon the capital expended in its construction. Still, looking at the fact that the Colony for the last two or three years had been paying, out of the current revenue, several thousands of pounds, annually, towards an undertaking which it was anticipated would be completed next year—he alluded to the Eucla Telegraph—and which vote would then be available for other purposes, he thought that the Colony might, without incurring any increased taxation, be in a position to pay the interest on the capital expended in the construction of the proposed line of railway, and also any deficiency that might, at the outset, be required to be met in connection with working expenses. He hoped the House would be inclined to deal with the report in a liberal manner.

MR. RANDELL expressed an opinion that when the contemplated survey was made it should embrace the whole line, as far as the Eastern Districts, so that when the question was again referred to the Council, hon. members might be enabled to decide which would be the most desirable route to adopt. He was of opinion that the Colony was in a position to inaugurate some public work of magnitude and of national utility, than which he could not conceive a more desirable undertaking

than the construction of a line of railway—not from Fremantle to Guildford, but from Guildford to the Eastern districts. The proposed line would not benefit the settlers of these districts a sixpence; on the contrary, it was not at all unlikely the project would be injurious to their interests, by protracting the construction of the line which would directly connect them with a market for their produce. He regretted that the committee, in regarding the statistics put forward by the promoters of the Fremantle-cum-Guildford line, had accepted those data as trustworthy, when, at a previous session, they had been demonstratively shown to be utterly fallacious and unreliable. It was stated in the report under consideration that the proposed railway might be taken as the first section of a trunk line from Fremantle to York, which, he was afraid, was a mere bait to catch the vote of country members; for, in his opinion, the railway when it reached Guildford would remain there for a long term, without any steps being taken for extending it eastward. There could be no question that a railway between Fremantle and Guildford, by way of Perth, would be a great boon to passengers travelling to and fro between these towns, but it would do very little to facilitate the transport of produce and merchandise, and to develop the resources of the Colony, which, after all, appeared to him to be the only argument in favor of expending public funds in the construction of railways. Personally, he was indifferent where the line should commence—whether from Fremantle to Guildford, or from Guildford to York; possibly he would benefit more by the former line; in fact, it was very likely he should do so. But in speaking and voting on this question, he was solely actuated by a desire to promote the interests of the Colony at large, which should be—as he hoped it was—the guiding motive of every hon. member.

MR. MARMION controverted the statement that the select committee's proposal was a mere bait to catch the votes of country members, and denied the assertion that the undertaking of the contemplated line would be likely to have the result of postponing for many years to come the extension of railway communication to the Eastern districts. It appeared to him that the boot was alto-

gether on the other leg—that it would be at present futile to propose to raise the necessary capital to construct a line right through to the Eastern districts, and that such a proposition, in conjunction with the one before the committee would, just now, be fatal to the whole scheme. The contemplated railway would involve an expenditure of, possibly, about £100,000, whereas the line from Guildford to the Eastern districts would cost about four times that sum. The sum of £100,000, which it was estimated would cover the cost of the line from Fremantle to Guildford, would, if expended on the more Eastern line, merely serve to construct a railway as far as Chittering Brook, which, so far as York and the neighboring districts were concerned, might as well not be constructed at all. With reference to the statistics presented to the House last session referring to the probable traffic on the proposed line, and to which allusion was made by the hon. member for Perth (Mr. Randell), possibly those statistics had not been so carefully considered and dissected as they should have been; still he believed there was a general feeling abroad that the proposed line should be constructed, even although the traffic returns did not at first suffice to pay the interest upon the capital actually expended in the construction of the railway. Indeed, he might go so far as to assert that there existed a widespread desire the line should be undertaken, notwithstanding the possibility that it should not, in the first instance, even pay its working expenses; for it was generally believed that in the course of a few years it would not only pay the interest and working expenses but actually be a source of profit to the Colony, to say nothing of the benefits which would accrue from such an undertaking in developing trade and commerce. As to the desirability of extending the surveys as far as the Eastern districts, and not limiting them between Fremantle and Guildford, he was altogether in accord with the hon. member for Perth (Mr. Randell), if only for the purpose of showing the settlers of the Eastern districts that the House was in earnest with regard to its intention to extend the line in that direction. A preliminary survey, at any rate, might be made of the country between Guildford and York, by

the Government Engineer, and when that had been made the Council might at the next session vote a sum for the necessary final survey of the extension line.

MR. CROWTHER said the select committee had been appointed to consider what public work could be most advantageously commenced, keeping in view its extension and connection with future undertakings, and, as a member of that committee he concurred in the recommendation embodied in the report—that a line of railway from Fremantle to Guildford, by way of Perth, should be the first work to be entered upon. In arriving at this decision the committee had in some measure been guided by the fact that the Secretary of State for the Colonies had to a certain extent assented to the raising of the necessary funds for constructing this railway; which he (Mr. Crowther) considered as the getting in of the thin end of the wedge towards a railway to the Eastern districts. He was under the impression that the committee intended that, as soon as the necessary surveys were completed as far as Guildford, they should be continued in that direction. But the country was not in a position now to borrow all the money necessary to carry a line right through to those districts, although he believed the time was not far distant when this could be done.

Referring to the third paragraph,

THE COMMISSIONER OF CROWN LANDS, who was the chairman of the select committee appointed to prepare the report, and who dissented from the opinion of the other members of the committee as to the adoption of a gauge of 3ft., said he had done so inasmuch as he considered it would be premature at this stage to decide upon any particular gauge. That, in his opinion, should be matter for after-consideration, and he did not think it would be wise for the House to commit itself at present to this gauge or that, so long as hon. members were agreed on the main question of the desirability of taking steps to carry out the work.

THE ATTORNEY GENERAL supposed the House might now look upon a railway between Fremantle and Guildford as an accomplished fact; but he did not think we were yet so near the accomplish-

ment of our wishes as to render it desirable for the Council to enter upon the consideration of the question of the superiority of one particular gauge over another. He therefore thought it was mere waste of time to discuss the paragraph before the committee. As to the succeeding clause of the report, he, for one, felt ashamed that the House last session so readily adopted the statistics of estimated traffic submitted by the so-called promoters of the line of railway between Fremantle and Guildford. So sanguine were those gentlemen—those mysterious men in the moon, as he had always regarded them—of the profitable nature of the project they advocated, that they did not intend embarking their money in the scheme unless they were guaranteed an interest of six per cent. for ten years, on the capital they expended. Subsequently, when they came to think more of the matter, they had come to the conclusion that they could not undertake the work without a guarantee extending over twenty years—so extremely sanguine were they of the line proving a remunerative undertaking. As for himself, he did not think that, as a commercial speculation, the proposed railway would be a reproductive work, for some years to come; but there could be no doubt that, regarded from other points of view, the undertaking would be productive of material benefit to the Colony. He considered it would be unwise for the House to commit itself to the third and fourth paragraphs of the report.

MR. BURGESS, while prepared to support the motion for the adoption of the report, thought it was a matter worthy of consideration in determining the question of gauge, that the 3ft. 6in. gauge had already been adopted in connection with the first public railway undertaken by the Colony. He trusted that every care and caution would be exercised with respect to the survey of the proposed line, for it was admitted on all hands that the costly blunders committed in connection with the Geraldton line had arisen from the fact that the original survey was defective.

MR. STEERE did not think that unless the select committee had been satisfied as to the approximate correctness of the traffic statistics they had had under consider-

ation, they would have been justified in recommending the construction of the line. With reference to the question of gauge, one of the reasons which had actuated the committee in recommending the adoption of the 3ft. gauge, in preference to the wider one, was that, at the last session of Council, it was stated to the select committee appointed to take into consideration the condition of the Geraldton and Northampton railway works, that the widening of gauge on that line from 3ft. to 3ft. 6in. had involved an increased expenditure of about £900 per mile. Mr. Thomas, the present Government Engineer, when examined by the select committee whose report was now under discussion, said he did not believe that the difference in the two gauges would amount to so much as that, but expressed an opinion that it would not be less than £500 per mile. Now, £500 a mile on a line of railway a hundred miles in length, represented an increased expenditure of £50,000—a very serious consideration, especially looking at the fact that the wider gauge afforded no superior advantages over the narrower one. As to the fact of a 3ft. 6in. gauge having been already adopted on the Geraldton and Northampton line, he did not consider that fact should have much weight; for a great many years must elapse before that part of the country became connected by railway with this portion of the Colony; and rather than commit the country to an unnecessarily costly gauge he thought it would be wise, and judicious and expedient, that the House should express an opinion favorable to the adoption of the narrower gauge.

MR. CROWTHER said the select committee had recommended the adoption of that gauge because they had been assured by the Government Engineer that it would be no less efficient and serviceable—while at the same time it would be far more economical—than the wider gauge.

MR. PADBURY thought a man in the position of the Government Engineer ought to know better than the members of that House what gauge would be the best to adopt; and he (Mr. Padbury) thought that, looking at the great saving in the expense of the narrower gauge as compared with the wider, it would be better to have the 3ft. gauge. As to the starting point of the proposed railway,

personally he was in favor of Guildford and thence to York, rather than Fremantle to Guildford; but, as it had been pointed out by the hon. member for Greenough, the Secretary of State had to some extent approved of this latter line, and as it was beyond the means of the Colony to carry a line right through to the Eastern districts just now, he thought it would be better to have a railway from Perth to Guildford than none at all. When that line would be completed, they might then have a more liberal Secretary of State than the present one. But if it was intended that the proposed railway should stop at Guildford and go no farther, he should not vote for it at all.

MR. RANDELL thought it would be better to leave the question of gauge an open question, until the Government Engineer had examined the country and made further enquiries. Mr. Thomas had, no doubt, had a good deal of experience in railway construction elsewhere, but none here, and he might possibly change his opinion. He thought that the question of gauge had better remain in abeyance until the House was in possession of the Engineer's report of the preliminary survey.

THE ATTORNEY GENERAL said that, seeing what the feeling of the House was in the matter of adopting the report, he would not move an adverse amendment, as he had intended doing; but he must say that he did not agree with the report of the select committee.

Report adopted.

#### DOG BILL, 1876.

##### IN COMMITTEE.

Clause 12 reverted to:

MR. STEERE moved, That all the words after the word "the," in the first line, be struck out, and the following words inserted in lieu thereof:—

First day of April, in the year of our Lord One thousand eight hundred and seventy-seven, every registered dog shall wear a collar round its neck as hereinafter described, and the persons appointed by a district board or municipality as provided for in section five to this Act shall, on demand being made, and on payment of a fee of one shilling and sixpence, deliver to the owner of a dog registered in their respective district or municipality, or to his agent, a collar with a metal label affixed thereto, with words, letters, or figures indicating the name of the district or muni-

cipality in which such dog is registered, the year in which it is registered, and the registered number of such dog distinctly marked thereon; and at every subsequent registration of any dog the persons appointed as aforesaid shall, on demand, and on payment of a fee of sixpence, deliver to the owner of such dog or to his agent a metal label, with words, letters, or figures indicating the name of the district or municipality in which such dog is registered, the year in which it is registered, and the registered number of such dog, distinctly marked thereon. Provided further, that the metal label hereinbefore described shall, as far as possible, be of a different form or shape in each and every year, and the Registrar of Brands shall at least three months previous to the first day of January in each year, publish in the *Government Gazette* a descriptive notification of the form or shape of such label for the year following that in which such notification shall be given. If, after the date before mentioned, any registered dog shall be found in any public place without a collar round its neck with a metal label thereon distinctly marked as aforesaid, or having a description that is incorrect marked thereon, the owner of such dog shall forfeit a sum of not less than Ten nor more than Twenty shillings. If any unregistered dog shall be found wearing a collar which shall purport to exhibit thereon the description hereinbefore required, the owner of such dog shall, in addition to the penalty for not registering such dog, forfeit a sum of not less than Twenty shillings nor more than Five pounds.

Motion agreed to.

Bill reported.

#### THE GAME ACT, 1874, AMENDMENT BILL.

##### IN COMMITTEE.

Clauses 1 and 2—agreed to.

Clause 3.—"Penalty for killing magpies at any time."

THE ATTORNEY GENERAL thought it was a mistake, from what he had heard from large vineyard proprietors, to protect magpies at all. He would move, as an amendment, that the clause be struck out.

MR. MARMION seconded the motion. He believed the magpie was a bird well able to protect itself.

MR. PADBURY said no doubt it was a most mischievous bird, and deserved no protection. He would support the motion that the clause be struck out.

Amendment adopted.

Clause 4 agreed to.

THE ACTING COLONIAL SECRETARY moved, The insertion of the following new clause:—

It shall be lawful for any Justice of the Peace, on the conviction of any person under "the Game Act, 1874," to order any game, whether imported or native, and also any eggs, whether of imported or native game birds, that may have been killed, destroyed, or taken by such person, to be delivered up to such Justice, to be disposed of as to such Justice may seem meet.

Agreed to.

Bill reported.

#### ARREST OF DEBTORS BILL.

MR. STEERE moved that the House should then go into committee on the Arrest of Debtors' Bill.

THE ATTORNEY GENERAL, as an amendment, moved that the Bill be committed that day six months. Since he had introduced the Bill into the Council, he had lost all control over it, and hon. members had taken it into their own hands. The Government had brought in a measure limited in its scope, with the simple object of enabling them to have some hold upon immigrants introduced into the Colony at public expense. He was informed, by the way, that five out of the number of those which had landed a few days previously had already taken their passage out of the Colony, where, in fact, they had never intended to remain. But the whole scope of the Bill had been altered, and he wished to have nothing further to do with it. The Government had no intention to proceed with it; but, of course, it was competent for any hon. member to take the matter up where the Government had dropped it. Under the circumstances, he would move, as an amendment, that the House go into committee on the Bill that day six months.

MR. BURT said there were some amendments standing in his name on the notice paper, which, had the House gone into committee on the Bill, he would have been prepared to move. He believed the law, as it now stood with regard to absconding debtors, was totally inadequate to meet a prevailing mischief, but he thought that the scope of the proposed amendments went rather too far. He believed it would meet the views of hon. members if the Bill were thrown out this session, and another introduced next session embodying some such provisions as were contained in the amendments which stood in his name. If the Government would not bring forward

such a Bill he would do so himself at the next session of Council. The original scope of the Bill having been altogether departed from, he would support the amendment.

Amendment agreed to.

#### MUNICIPAL INSTITUTIONS' BILL, 1876.

##### IN COMMITTEE: RESUMED.

Clause 70.—"How expenses to be recovered from owner:"

THE ATTORNEY GENERAL thought the provisions of this section somewhat infringed upon the principle of the Transfer of Land Act, the main scope of which was that a person purchasing land should, if the seller showed him a clear certificate of title, become absolute owner. He had an amendment to propose, which, if carried, would limit the evil of the infringement of the principle of the Transfer of Land Act. The amendment was as follows:—"That the following words be added to the clause,—'Provided always, that where such land and premises shall have been brought under the provisions of the Transfer of Land Act, 1874, such Council shall, within six weeks of the date of such warrant as aforesaid, direct a memorandum of the issue of such warrant to be endorsed on the certificate of title, whereof such land is the subject, and thereupon such endorsement shall operate as a preferential encumbrance or charge upon such land.'" This would enable purchasers of land to know to what extent any outstanding rates encumbered the property.

MR. BURT pointed out that this amendment would give the Council a preferential claim over a mortgagor, which in some cases might lead to hardships. He would oppose the amendment.

THE ATTORNEY GENERAL did not think the amendment would have any such result as the hon. member apprehended, as to inflicting any hardship upon mortgagors. If the land or premises were worth, say £100, and the Council expended £50 in improving it; and if the mortgagee got the benefit of those improvements, he would have no cause of complaint. The property would be, comparatively, more valuable.

MR. SHENTON was of the same opinion. If Municipalities expended money in improving the property of a



mortgagee—of which improvements the mortgagee himself would derive the benefit—he thought it but fair that Municipal Councils should have a preferential claim to recover the value of the improvements which they had made.

Amendment agreed to.

Clauses 71 to 77—agreed to.

Clause 78.—“Prohibition against keeping pigs in certain parts of Perth and Fremantle:”

THE ATTORNEY GENERAL said he had disagreed with the members of the committee who had assisted in framing this Bill, with respect to this clause; and he had an amendment to propose whereby no person should be allowed to keep a pig within fifty yards of any other person's dwelling-house. That would apply to all parts of the town, and not merely to the aristocratic quarters. Outside certain limits, if the clause as it now stood were adopted, a citizen might have a pig-stye under his neighbor's window, whereas in certain quarters of the town the inhabitants would be protected from such a nuisance. He hoped hon. members who had much of the Irish element amongst their constituents would be very cautious how they voted on this pig question. If pig-styes were allowed by the owners to go into an offensive state, so as to become a nuisance, the Council was empowered to remove the nuisance. He thought that the amendment which he was about to propose would carry out the sanitary provisions of the Bill more effectually than the clause as it now stood would. His amendment was—That the words “any such part of the city of Perth or town of Fremantle as is specified in Schedule E to this Act annexed” be struck out, and the words “any Municipality, within fifty yards of any other person's dwelling-house” be inserted in lieu thereof.

MR. BURT: This is a clause to which I have given my serious attention. I thought at first it would be better to allow it to stand as it is, but I have since come to the conclusion that it would be better to strike it out altogether. I think we are going altogether too far. We have already voted dogs, under certain conditions, a nuisance, and provided how the nuisance is to be abated, but not so as to do away with those animals altogether. I would ask the House to treat

pigs in the same manner. A pig is a very useful animal, and unobjectionable until it becomes a nuisance. I think the provisions of the Bill under discussion give Municipal Councils ample power to see that pigs do not become a nuisance. I consider this clause of too sweeping a character altogether. It would be a great hardship to many people to exclude pigs altogether from our towns, and I shall move that the clause be struck out.

MR. STEERE: I think I am correct in stating that this Bill was introduced almost entirely for sanitary purposes, consequent upon a report of the Colonial Surgeon and a despatch of the Secretary of State, urging upon the Government to adopt sanitary measures. This being the case, His Excellency has thought proper to bring forward the present Bill, and the Colonial Surgeons at Perth and Fremantle have been asked whether they think pigs should be kept within the limits of these Municipalities. They both said it would be most injurious and detrimental to the health of the public, and it does seem strange, in the face of this testimony, to find the Government tonight going in direct opposition to their own medical authorities. I think the amendment proposed by the Attorney General is an amendment to enable the rich man to keep a pig, and to prevent the poor man—the owner of a small grant—to do so; the latter could not comply with the provisions of the amendment.

MR. SHENTON: I oppose the amendment, and am surprised at a proposition of the kind coming from the Government benches, especially looking at the main object of the Bill. If carried into effect, the result would be, as the hon. member for Wellington has just said, that the rich man would be in a position to keep a pig, but the poor man would not; and we are not here to legislate for one class more than another. Who is there among the poorer classes who could keep a pig fifty yards from any other person's dwelling? We have had the opinion of medical authorities, and they all say that to keep pigs in centres of population is most injurious to the public health. If this amendment be insisted upon, I shall move that progress be reported, and a writ issued by the Speaker to have the Colonial Surgeon brought to the bar of the House, to give evidence on this point.

**THE ATTORNEY GENERAL:** If fifty yards is considered too long a distance, I have no objection to its being reduced to thirty yards.

**MR. PEARSE** would support the amendment of the hon. member Mr. Burt. A pig could be kept as clean as any other animal, and need be no source of nuisance. The Attorney General's amendment would be very severe upon scores of poor people, who could never comply with its provisions.

**MR. MARMION** said he also would support the hon. member Mr. Burt's amendment. It would be a very difficult matter to carry out the Attorney General's proposition, in thickly-populated portions of a town.

**THE ATTORNEY GENERAL**, with leave, withdrew his amendment.

The amendment—that the clause be struck out—was then agreed to upon a division. [*Vide* "Votes and Proceedings," p. 77.]

Clauses 79 to 81—agreed to.

Clause 82.—"Council to prepare annual estimate."

**MR. MARMION:** This clause does not provide for the annual statement of income and expenditure being submitted to the ratepayers, as provided for in the present Act.

**MR. SHENTON:** The same provision is made in another clause of the Bill—the 127th section, I believe.

Clauses 83 to 89—agreed to.

Clause 90.—"Remedy to persons who, not being primarily liable to pay a rate, have paid the same."

**MR. MARMION** asked if the provisions of this clause would not over-ride agreements made in leases whereby a tenant is to pay the rates?

**THE ATTORNEY GENERAL:** Municipalities do not recognise any agreement which may have been entered into between landlord and tenant. The object of this clause is to provide means for a tenant coming to a house where the rates had not been paid by the outgoing tenant, to recover the same from the occupier primarily liable.

Clause agreed to.

Clauses 91 to 94—postponed.

Clause 95—agreed to.

Progress reported.

## LEGISLATIVE COUNCIL,

*Tuesday, 29th August, 1876.*

Export Returns: preparation of—Land Transfer Duty Bill: second reading; in committee—Municipal Institutions' Bill: in committee (resumed)—Tariff Bill: second reading; in committee.

### EXPORT RETURNS.

**MR. STEERE**, in accordance with notice, called attention to the manner in which the returns of the value of exports sent out of the Colony are prepared by the Government. For some years past he had observed it had been the custom to over-rate the value of the exports in connection with the staple industries of the Colony, such as wool, sandalwood, and pearl-shells—a custom which he regarded as very reprehensible, calculated as it was to mislead not only the public of this Colony but the public in other countries. He had been informed by a member of the Government that these returns were prepared by the Collector of Customs, who stated that the value of the various articles of export were declared by the exporter, and that the returns were compiled from these declarations. Now he (Mr. Steere), who had been a considerable exporter of wool and other produce, had never been asked to make such a declaration, nor was he aware that anyone had ever been authorised to do so for him; so that this practice could not be said to be adopted in all cases. The Government, if they chose to go to the trouble, might obtain reliable information as to the value of all our principal exports on application to the leading exporting firms. Unless returns of this character were reliable, they not only were utterly worthless but actually mischievous, and he trusted that immediate steps would be taken to remedy the evil. He had previously directed public attention to this matter, and he was sorry the Government had paid no regard to it. He would now move—"That in the opinion of this Council the manner of calculating the returns of the value of exports is incorrect and misleading, and that the Government should adopt some more satisfactory means of forming a correct estimate of such returns before inserting them in the Blue Book."

**MR. RANDELL**, in seconding the motion, thought it was not only desirable