

would amount to £30 19s.; and looking to the increased rate of wages that now obtains in the colony and the rising prices of the necessaries of life, we conceive that teachers, with even the abilities required for such small schools, will not readily be found on such terms. We would therefore recommend such an amendment of the Act as would increase the Grant from £2 15s. to £3 10s. per head in Government Schools, and in Assisted Schools from £1 7s. 6d. to £1 15s. per head. This increase, if sanctioned will, we hope, enable teachers in small schools to exist on their earnings, and offer a further inducement for exertion on the part of teachers in larger schools. We would further remark that the increase suggested would, calculated on the average attendance shown in the returns for 1873, still be a trifle under the cost per head incurred under the old system. In event of the proposed alteration in the Act we should not allow the retention of fees by any teacher, nor should we make any alteration in the allowances for results."

A desultory and rambling conversation ensued, and the Bill was then read a second time.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

The Bill was read a second time.

Select Committee.

Mr. MARMION moved that the Bill be referred to a select committee, such committee to consist of the Acting Attorney General (Hon. G. W. Leake), Mr. Steere, Mr. Crowther, Mr. Pearse, Mr. Carey, Mr. Burt, and the Mover.

Question put and passed.

DOGS ORDINANCES AMENDMENT BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

The Bill was read a second time.

The Council adjourned at 3.30 p.m.

LEGISLATIVE COUNCIL,

Thursday, 9th July, 1874.

Swearing in of Member—Immigration: select committee—Confirmation of Expenditure Bill: select committee report—Albany Jetty Regulations—Paper Tabled—Aboriginal Native Offenders Amendment Bill: in committee—Imported Labor Registry Bill: in committee—Telegraphic Messages Bill: in committee—Game Bill: in committee—Miners Water Supply Bill: motion for committee stage—Education Act Amendment Bill: in committee—Dogs Ordinances Amendment Bill: in committee—Confirmation of Expenditure Bill: in committee.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

SWEARING IN OF MEMBER.

The SPEAKER administered the Oath of Allegiance to Sir Thomas Cockburn-Campbell, Bart., the newly elected member for Albany.

IMMIGRATION.

Select Committee.

Mr. BICKLEY, with leave, without notice, moved that Sir Thomas Cockburn-Campbell be reappointed a member of the immigration select committee; his former appointment having ceased upon his resignation as a nominee member of the Council.

Question put and passed.

CONFIRMATION OF EXPENDITURE BILL.

Select Committee Report.

Mr. STEERE brought up the report of the select committee and moved that it be read.

Question put and passed.

Report read and ordered to be printed.

ALBANY JETTY REGULATIONS.

Mr. STEERE, in accordance with notice, asked the Colonial Secretary under what Act or Ordinance power had been granted by the Executive to the Municipal Council at Albany to compel all persons to ship goods from off the jetty, and from no other place; and also, by what authority the municipal council had imposed a scale of charges for the licensed boat men at Albany.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that the jetty at Albany, having been transferred to the municipal council, the Governor simply confirmed rules drawn by the municipal council. These rules, among other matters, embodied regulations

which had been proclaimed by the Governor under the local ordinances, 24 Victoria 5, 24 Victoria 9, and 25 Victoria 12.

PAPER TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the table the report of and evidence taken by the board appointed by His Excellency the Governor to inquire into the supply of pure water at the mines.

ABORIGINAL NATIVE OFFENDERS AMENDMENT BILL.

In Committee.

Clause 1: Two Justices of the Peace, not interested in the matter of the complaint, may try summarily Aboriginal natives for offences at present exclusively triable by a jury or a Resident Magistrate—

Mr. DEMPSTER pointed out the difficulty of finding in a remote and sparsely-populated district two justices of the peace "not interested in the matter of the complaint," and moved that those words be struck out, otherwise one of the objects the framers of the Bill had in view, namely, to diminish the expenses attendant on the administration of justice, would not be attained.

Mr. PADBURY seconded the motion.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it was contrary to the spirit of the British law that a justice should adjudicate upon cases in which he was personally interested, for he would naturally be biased in the matter. He was quite sure hon. members would not sanction such an innovation upon the fundamental principles of justice, and he was equally sure, that if the Committee ordered the words to be struck out, His Excellency the Governor's Royal Instructions would not authorize him to, nor would he, assent to such an amendment as that proposed by the hon. member for Toodyay.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said it would be a disgrace to the House and to the community if the words alluded to were expunged. They stood there as a warning to the ignorant, however honorable, that they were not to undermine a fundamental maxim of the English law. The idea of a parcel of squatters in a remote district subverting a leading and essential principle of justice, and administering "bush" justice to wretched and helpless natives, was preposterous!

Amendment not agreed to.

Clause agreed to.

Clause 2—

Mr. STEERE moved that the clause be struck out.

Amendment agreed to.

Clauses 3 to 5 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with an amendment.

IMPORTED LABOR REGISTRY BILL.

In Committee.

The Bill passed through Committee without discussion.

TELEGRAPHIC MESSAGES BILL.

In Committee.

Clause 1: It shall be lawful for any party to any action or suit in any court of civil jurisdiction, at any time after the commencement thereof, to give notice to any other party that he proposes to adduce in evidence at the trial or hearing of such action or suit any telegraph messages that before the date of such notice shall have been received by electric telegraph—

Mr. BURT enquired if any objection existed to extending the provisions of the Bill to the courts in their criminal jurisdiction.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) replied there were very grave and manifest objections. He would be very loth indeed to extend the provisions of the clause to cases where life and liberty were at stake. It would be altogether contrary to the general principles of the law of evidence upon criminal trials, and highly inexpedient. The Bill was almost a true copy of the South Australian enactment; which did not apply to criminal procedure.

Clause agreed to.

Clauses 2 to 11 agreed to.

Clause 12—

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved that the clause be struck out and the following stand as clause 12:—

Sections A, B, F, and G, of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act, to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act."

Amendment agreed to.

Clause 13 agreed to.
 Preamble agreed to.
 Title agreed to.
 Bill reported, with an amendment.

GAME BILL.

In Committee.

Clause 1 agreed to.

Clause 2—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that all words after the word "from," in the sixth line, be struck out, and the following inserted in lieu, "the thirty-first day of May, 1875."

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 3 to 6 agreed to.

Clause 7—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that after the word "or," in the second line, the words "during the prohibited season of" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 8 to 10 agreed to.

Clause 11—

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved that the clause be struck out and the following stand as clause 11:—

Sections A, B, F, and G, of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act, to all intents and purposes, and in as full and ample a manner as if the said sections had been introduced and fully set forth in this Act."

Amendment agreed to.

Clause 12 agreed to.

Clause 13—

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved to insert after the word "for," in the second line, the words "his own"; and after the word "subsistence," in the third line, to strike out all the words to the end of the clause.

Amendments agreed to.

Clause, as amended, agreed to.

Schedule 1—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved to insert after the words "white swans," the word and figures "ostrich, 10."

Amendment agreed to.

Schedule, as amended, agreed to.

Schedule 2—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the schedule be struck out and the following stand as schedule 2:—

Wild duck of any species, teal, emu, black swan, wild geese, from the first day of June to the thirtieth day of September in any year; bustard, bittern, bronze-winged, and other pigeons, gnou, magpie, quail, snipe, from the first day of September to the thirtieth day of November in any year.

Amendment agreed to.

Clause 3 reverted to—

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) moved that after the word "mention," in the second line, the words "or subsequently included" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

MINERS WATER SUPPLY BILL.

Motion for Committee Stage.

The Order of the Day for going into Committee on this Bill was discharged, in order to give hon. members an opportunity of perusing the report of the commission appointed to inquire into the causes of lead-poisoning on the mines, which report, together with the evidence taken before the commission, was laid on the table.

EDUCATION ACT AMENDMENT BILL.

In Committee.

Clause 1: A sum not exceeding in the whole the sum of £3 10s. per head, on children attending schools, as mentioned in the 20th section of the "Elementary Education Act, 1871," shall be allotted to Government schools, instead of the sum of £2 15s. per head—

Mr. MARMION, on the reading of this clause, moved the adjournment of the debate, in order to afford hon. members a further opportunity of considering the report of the Central Board of Education, which report he thought had not received that careful attention it was entitled to. Moreover, the little Bill before the Committee involved a very important principle affecting the status of teachers

who are now in receipt of fixed salaries, inasmuch as it was contemplated that, if the addition to the grant per head provided by the Bill be sanctioned, all teachers should be paid by results. This was a matter for very grave consideration, as also was the question of the claims of teachers who now receive a fixed salary to future superannuation, and the effect the giving up of that salary for a result grant would have on those claims. For these and other reasons he was induced to ask the House to postpone the consideration of the Bill in Committee, and to that end he would move that the chairman do report progress and ask leave to sit again.

Mr. DEMPSTER seconded the motion.

Mr. CAREY said, it was in consequence of inadvertence on his part that the Bill, on the adoption of the motion for its second reading, had not been referred to a select committee. He had been entrusted with a motion to that effect.

The SPEAKER suggested the withdrawal of the Bill altogether. Its discussion would only tend to create ill-feeling, and to unnecessarily probe old wounds, happily healed up.

Mr. STEERE thought it was a great pity the question of education had been disturbed until public opinion was riper for that change that must sooner or later come—a change from the existing system to that obtaining in a neighboring colony—a system of free, secular, and compulsory education.

Mr. BURT deprecated the proposition to discharge the Bill from the paper. It was admittedly introduced in pursuance of a recommendation embodied in the report of the Central Board of Education, and to withdraw a measure based on that recommendation would be unfair towards the board and place it in a very anomalous position as regarded itself and the Legislature.

Mr. BIRCH was certain the Bill would not accomplish the object its framers and promoters had in view, convinced, as he was, that many poor and struggling schools in thinly-populated districts would, if brought under the payment-by-result system, entirely collapse. He was opposed to the Bill altogether, and deprecated any tinkering with the system of education now in operation. No doubt, as the hon. member for Wellington had remarked, the colony at no distant date would, in the natural course of events, be driven, on the current of public opinion, to adopt a free, national system of education.

Mr. BICKLEY had no opposition to offer to the Bill so far as it went, but if, conditionally upon its passing through its various

stages and adopted by the House, it was contemplated to bring all schools under the result system, many rural schools, in sparsely-populated districts, would be closed, unless a provision for a guaranteed salary was made, which, in his opinion, would be a very desirable adjunct to the Bill.

After some further remarks from the ACTING ATTORNEY GENERAL (Hon. G. W. Leake), Mr. MARMION, and Mr. BIRCH,

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he had heard no forcible arguments adduced in favor of the necessity of adjourning the debate upon the Bill. The Hon. the Speaker had suggested that it be withdrawn altogether because it would engender a great deal of ill-feeling. He (Mr. Barlee) saw no reason whatever why the simple discussion of the very simple Bill before the House should give rise to any unpleasant feeling, so long as the debate was confined to the provisions of the Bill, the object of which was simply to give increased support to school teachers. The principle of the Bill, and the necessity for legislation in that direction, had been affirmed the other day, when the motion for its second reading was agreed to. There appeared to be no divergence of opinion on the one main point, namely, that there were some poor and struggling schools which could not be kept up much longer unless some additional support was provided for the teachers; and this was the sole object of the Bill before the Committee. There was no intention or inclination on the part of the Central Board, or on the part of the Government, to reopen the question of education, and the simple discussion of the Bill under consideration assuredly need not disturb that vexed question at all, so long as hon. members confined their observations to the Bill, and to nothing but the Bill. He could not conceive that anything would be gained by referring it to a select committee, who would be powerless to deal with any principle other than that involved in the Bill, and that question was, as he had already stated, the question of affording increased support to the teachers of schools. This had already been affirmed by the House on the motion for the second reading. The hon. gentleman then entered into a review of the comparative position of teachers under the old system of fixed salaries and under the result system, respectively, demonstrating the superior advantages offered by the latter to a teacher of even average abilities. He did not believe for one moment that there existed a general desire on the part of the general public for a change from the system of education now in operation in the colony: on the contrary, he was of opinion it

would continue in operation for some years to come, inasmuch as it was a compromise between the only two other systems of education that could be adopted here—the system in force in Victoria—free secular, and national, and the system in operation in one of the other colonies—the denominational system. He was quite sure that if the adoption of the latter was proposed, there would be a very general feeling against it, not only among the public, but the majority of hon. members would be opposed to it. And he was equally certain that the introduction of a national system of free and secular education would meet with even a greater amount of antagonism and create much more ill-feeling than a scheme of denominational education would evoke.

The SPEAKER questioned whether the increased allowance provided for in the Bill, would, without some fixed or guaranteed salary, enable some country teachers to subsist. If the object of the measure before the Committee was the augmentation of the emoluments of those teachers whose salaries are now considered inadequate, he did not think it fair, nor necessary, that to compass this the public should be called upon in like manner to increase the stipends of teachers already sufficiently well paid in the towns and centres of population. Yet this was the effect which the Bill under consideration would produce. The colony was now paying quite as much as it could afford for educational purposes.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out that the change would not involve any increased expenditure. The grant-in-aid for education would be no more if the Bill were passed, and all the schools came under the result system, than the grant is at present.

After some further observations from the SPEAKER, in defence of the District School-board of Perth (of which he is chairman), who had been somewhat roughly handled in the report of the Central Board with regard to the duty of providing school accommodation, clause 1 was agreed to without amendment.

Clause 2 agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) then moved the following additional clause, which was agreed to:—Clause 3. The following words in the 19th section of "The Elementary Education Act, 1871" shall be and are hereby repealed,—“but all teachers now in receipt of fixed salaries shall not be disturbed in the enjoyment thereof, while employed in such schools.”

Mr. BIRCH suggested the insertion of a clause to the effect that teachers now in receipt of fixed salaries would not, on giving up a salary for a result grant, forfeit their claims to future superannuation.

The COLONIAL SECRETARY (Hon. F. P. Barlee) accordingly moved the following additional clause:—The teacher of no school, who may have been in receipt of a fixed salary, and whose emoluments may be subsequently paid by result, shall forfeit any claim he may have to a retiring allowance.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

DOGS ORDINANCES AMENDMENT BILL.

In Committee.

Clause 1—

Mr. BURT moved that the clause be struck out and the following stand as clause 1:—

The words “less than twenty shillings nor” in the first section of the Ordinance 5th Victoria, No. 14, shall be hereby repealed.

Amendment agreed to.

Clause 2—

Mr. BURT moved that the clause be struck out and the following stand as clause 2:—

The second section of the said Ordinance, 5th Victoria, No. 14, shall be read as if the words “or to the effect” had been inserted therein between the words “form” and “in” lastly occurring in the said section.

Amendment agreed to.

Clause 3—

Mr. BURT moved that the clause be struck out.

Debate ensued.

Amendment not agreed to.

Clause agreed to.

Preamble agreed to.

Title—

Mr. BURT moved that the words “4th and” and the words “and 10th Vict., No. 5, of 1847,” be struck out.

Amendments agreed to.

Title, as amended, agreed to.

Bill reported, with amendments.

**CONFIRMATION OF EXPENDITURE
BILL.**

In Committee.

The Bill passed through Committee without discussion.

The Council adjourned at 5 p.m.

LEGISLATIVE COUNCIL,
Friday, 10th July, 1874.

Sunday Trading—Stipend of Resident Medical Officer, Murray District—Financial Statement: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

SUNDAY TRADING.

Mr. BIRCH, in accordance with notice, asked the Acting Attorney General whether there was any Act in the colony to prevent Sunday trading; and, if there was, why it was not enforced.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said that the enactments in force in the colony, on this subject, were the Imperial Acts 1 Charles I., cap. 1; 3 Charles I., cap. 1; 27 Charles II., cap. 7. He said the law is not enforced only because, so far as he knew, no complaints had been made to magistrates of its infraction.

**STIPEND OF RESIDENT MEDICAL
OFFICER, MURRAY DISTRICT.**

Mr. HAMERSLEY, in accordance with notice, asked why the resident medical officer at the Murray received this year a stipend of only £50, while others holding the same position in other districts received more.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the reason was that the Legislative Council had voted the sum of £50 per annum only for this service.

FINANCIAL STATEMENT.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee), having moved the House into a Committee of the whole to consider questions of finance, said—Mr. Carey, it was my desire to bring forward, at the earliest possible opportunity after the commencement of the session,

those questions of finance which it is my duty this evening to submit, on behalf of the Government, for the consideration of the House; and I was actuated in so doing by a feeling that,—in a small assembly such as this, representing, as it does, a very large extent of country over which the population is so widely scattered, and where everything must hinge on questions of finance—by a feeling that business would be greatly simplified, and that the way would I hope be paved by the programme I shall submit to you this evening for the better and more speedy consideration of those important matters which will have to be discussed during the session, and which have been shadowed forth in the Speech delivered by His Excellency the Governor at the opening of the session, and which it will be my duty now to place before you more fully than could be done in a speech of that nature. Sir, it has been my lot to address this House on questions of finance in times, I may say, of very great distress, when the savings of former years had been absorbed in making up a deficiency of revenue and in palliating the distress which specially affected some districts, and which was more or less prevalent throughout the colony. It is my more fortunate and far more pleasing task this evening to speak to you of a better state of things, of the prosperous—I think I may say without fear of contradiction—condition of the country and the healthy state of every industry; to dilate no longer on an empty treasury, but to speak of an increasing revenue; and it will be my duty tonight to submit for the decision of this Council the expenditure of a far larger sum of money than ever before fell to the lot of, if I may use the expression, a Western Australian Chancellor of the Exchequer to deal with. When I say that all the industries of the colony are in a healthy state; when I say—and I believe I may fairly say it—that the colony generally is in a prosperous condition, I am of opinion that I speak no idle words, that I speak what all here, or nearly all, will allow to be true. If anyone wishes to combat my views or to argue whether what I say is right or not, I will simply ask him to consult those who are intimately acquainted with the individual pecuniary interests of persons throughout the colony, and I am sure that, without any breach of confidence on their part, they will admit that with regard to the ways and means of the generality of people—I say of the generality, because there are exceptions of course; but such exceptions prove the rule—that they are better off than they were two or three years ago. If we want to go a little further, let