from undertaking employment which brings him in a salary greater than what he was receiving here when he retired, then I say his pension should be reduced in proportion to the salary he is receiving. I move that the clause be struck out.

Mr. BURT said he rather went with the hon. member for Wellington as to the principle involved in this third clause, if rendered prospective, and not retrospective, in its application; but he would not go so far as to disturb vested rights, however sorry he was to see such rights existing.

Mr. STEERE, in accordance with notice, then moved that the following new clause be inserted and stand as clause 3:—

"In case any person enjoying any superannuation allowance, in consequence of retiring from office on account of bodily injury or infirmity, is in the receipt of an income or salary from any employment in which he may be engaged, whether public or otherwise, in this Colony or elsewhere, every such allowance or compensation shall cease to be paid if the income or salary which he is in the receipt of is equal to that of the salary of the office formerly held by him; and in case it is not equal to the salary of his former office, then no more of such superannuation allowance or compensation shall be paid to him than what, with the income or salary as aforesaid which he is in the receipt of, is equal to the salary of his former office. Provided also, that before any superannuation allowance or compensation shall be paid to any person as aforesaid, such person shall make a statutory declaration of the amount of the income or salary, as aforesaid, which he is in receipt of, and shall forward the same to the Governor of this Colony."

The ATTORNEY GENERAL moved, as an amendment, That, after the word "allowance," and before the word "in," in the second line, the words "granted after the passing of this Act," be inserted.

Mr. STEERE: I agree to the amendment, so long as it is understood that it does not embrace any superannuation allowance contemplated at the present moment, and which, possibly, may have been brought under the notice of the Government.

The clause, as amended, was then agreed to, and ordered to stand part of the Bill.

Bill reported.

LEGISLATIVE COUNCIL,

Thursday, 24th August, 1876.

Telegraph Extension to Beverley—The Dog Bill: in committee.

TELEGRAPH EXTENSION TO BEVERLEY.

IN COMMITTEE.

Mr. MONGER moved, That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place a sum on the Estimates sufficient to extend telegraphic communication from York to Beverley. The distance was only about twenty miles, and, for the want of communication by telegraph, Beverley was completely isolated from the other districts of the Colony. There were several public buildings, including a post office, in the township, and the only expense of extending the telegraph there from York would be the posts and the wire.

Mr. PARKER seconded the motion. It would be a great boon to the inhabitants of Beverley, which was already a progressing town, and the district, in the course of a few years, would probably be one of the most important in that part of the Colony.

Mr. STEERE considered the proposal a step in the right direction, if it were found that they had the means to carry it out.

The COMMISSIONER OF CROWN LANDS suggested that it would be better for the hon. member for York to postpone the motion until the House went into committee on the Estimates.

Mr. PADBURY did not think there would be a dissentient voice to the motion, but he thought it was a question worthy of consideration whether, instead of using expensive mahogany posts in the construction of the line, the timber growing in the neighborhood, which was equally durable, should not be utilised.

Motion, by leave, withdrawn, pending consideration of the Estimates.

THE DOG BILL, 1876.

IN COMMITTEE.

Clauses 1 to 4—agreed to.

Clause 5.—"Notice of persons appointed to carry out Act."

THE ACTING COLONIAL SECRETARY asked who was to pay these persons for performing the duties which were here defined? He would suggest that they should be performed by the chairman of the Municipality.

MR. STEERE said the funds to pay the persons appointed to carry out the provisions of the Bill would come out of the funds of the Municipality or the Roads Board—whichever body was entrusted to carry out the Act. He thought it would be very inconvenient in many instances that the chairman of the Municipality or of the District Roads Board should be the person appointed for the purpose; these gentlemen might be residing a long distance from town, and he thought it would be better to appoint somebody residing in a central position.

MR. PEARSE asked if it was proposed that the revenue derived from the registration of dogs should be confined to the destruction of unlicensed dogs.

MR. STEERE: Yes.

Clause agreed to.

Clauses 6 to 10—put and passed.

Clause 11.—"Penalty for non-registration:"

MR. RANDELL considered 20s. too high a minimum fine, in every case, especially where there had been no intention to deceive, but merely an inadvertent omission. As a rule he did not think that heavy penalties accomplished the end in view. He would move that the minimum be reduced to 10s.

MR. STEERE said the principal objection to this proposition was this:—if the fine were not greater than the registration fee, people would not go to the trouble of registering at all.

THE ATTORNEY GENERAL suggested that the minimum penalty be omitted altogether.

MR. STEERE would sooner accept the amendment of the hon. member for Perth (Mr. Randell) than that.

Amendment agreed to.

Clause 12.—"On and after the 15th January, 1878, every registered dog shall have a collar round his neck, &c.:"

THE ATTORNEY GENERAL: If this provision is a wise one, I cannot see the good of deferring its operation until the date mentioned here.

THE COMMISSIONER OF CROWN LANDS suggested that, instead of having the name and address of the owner engraved on the collar, each collar should be made of leather and have a plate fixed on it, with the dog's registered number stamped upon it. Such a collar would cost a mere trifle. In some of the neighboring colonies, where an Act of a similar character was in force, the color of the collar was changed every year. Such a collar as he meant might be made in the Colony, at a very trifling cost, and within a month's time, so that the Act might come into operation at the beginning of next year, instead of waiting till 1878.

MR. SHENTON concurred. He thought it was quite unnecessary to have anything engraved on the collar besides a registered number; no two numbers would be alike, and it would be easy to trace the owner.

MR. STEERE said it would, at any rate, be necessary to have the name of the district in which the dog was registered, engraved on the collar in addition to the registered number.

THE ATTORNEY GENERAL suggested that an extra shilling be charged for the registration fee, and that the licensing body, in consideration of the additional shilling, should provide a sort of regulation collar.

MR. BURT pointed out it would be necessary to make some provision so as to show that a dog was registered every year. The same collar would not do.

MR. STEERE thought it would be a very good arrangement for the licensing body in each district to issue the collars, making a small charge for the same. This would remove any excuse that owners of dogs might put forward, as to having been unable to obtain the requisite collar. The further consideration of this clause had better, perhaps, be postponed.

Postponed.

Clause 13.—"Dogs not registered, or without collars, may be seized and killed."

THE ATTORNEY GENERAL thought the latter part of this clause was rather severe. If a dog, duly registered, went astray and lost his collar, it was here provided that he should be killed at once, and all persons were authorised to destroy such dog, without giving any notice to the owner. He thought this was a very harsh decree.

MR. STEERE: Without such a pro-

vision, I think the Act would be worthless.

The ATTORNEY GENERAL: According to the first part of the clause, an unregistered dog is actually better off than a duly registered one. In the case of the former, it is provided that the owner, or reputed owner, shall be summoned to appear and claim the dog, and it is not rendered lawful to destroy it until twenty-four hours after service of the summons. On the other hand, if a duly registered dog should happen to go astray and lose his collar he was liable to be destroyed forthwith.

Mr. STEERE: The very essence of this Bill is, that every registered dog shall have a collar. If a dog should lose his collar, it would be one of those exceptional cases which will always arise, no matter what regulation you may make.

Clause passed.

Clause 14.—"Penalty on owner of dog attacking persons, or frightening horses or bullocks, in streets or highways:"

Mr. MARMION thought this an outrageously and unreasonably severe clause. They could not hope to alter the nature and instincts of dogs by legislation. Under the Police Act, the owner of a dog was punishable if he "suffered" it, or "set" it to attack any person, or a horse, or cattle; there might be some sense in that. But here it was proposed to fine the owner of a dog, if it should happen—whether the owner or anybody else was with him or not—to rush at a passing horse or bullock. Surely this was an absurdly severe provision to make.

Mr. PADBURY considered this one of the very best clauses in the Bill. It was in operation in the other colonies, and if it was found necessary there, it was necessary here.

Mr. PARKER was of the same opinion, and thought the precaution a most desirable one to take.

Mr. STEERE: As to changing the nature and the instincts of dogs, I do not think any man has a right to keep a dog with an instinct for rushing at and attacking persons without provocation.

The ATTORNEY GENERAL objected to the clause entirely. They might as well say at once that people shall not keep a dog at all, in the towns. It was in the very nature of all dogs, in the exuberance of their animal spirit, to follow horses and cattle. He was free to confess that his own dog was not altogether innocent in this respect. Of course, it was a very different thing, with a savage brute of a dog which was known to be in the habit of committing ferocious attacks upon people, or upon horses: some restraint should be placed on dangerous animals of this class: but he thought it was going a little too far—it was too much of an interference with the liberty of a canine subject—to enact that dogs of playful disposition should no longer indulge in frolicsome gambols.

The COMMISSIONER OF CROWN LANDS considered the clause unnecessarily severe upon their canine friends, who, he thought, ought to be protected as well as horses and cattle. Only recently, a very valuable dog belonging to a medical gentleman in Perth, was kicked fatally by a horse, and he thought it was just as proper that the owners of vicious horses should be liable to be fined as well as the owners of vicious dogs.

Mr. STEERE said a similar clause was in operation in the other colonies, so that there was really nothing very novel about it.

Mr. MARMION considered it a most outrageous clause, and one which made a perfect farce of the whole Bill. Legislation of this character was quite intolerable. He thought it would be bad enough if the person aggrieved by the action of any dog should lay an information against the owner; but it was out of all reason to render it compulsory on police constables to destroy every dog he saw infringing the provisions of a stringent clause like this. He would move, as an amendment, that after the word "shall," and before the word "forfeit," in the fourth line, the words "upon information being laid before some Justice of the Peace by the person or persons aggrieved," be inserted.

Mr. GALE said he agreed with the hon. member for Fremantle, that the clause was too severe, and he would therefore support the amendment.

Mr. HARDEY would support the original clause, but he would suggest that the minimum penalty be reduced to 10s., or even 5s.

Mr. MONGER said he would vote for the amendment, because he thought the clause as it now stood unnecessarily and absurdly harsh. Many a dog, which was

perfectly harmless, might "rush" at a child, merely in playfulness, when walking along the street; but if a policeman should happen to see him do it, woe betide the unlucky owner.

Amendment put, and negatived on a division. [*Vide* "Votes and Proceedings," p. 65.]

MR. HARDEY moved that 5s. be substituted for 20s. as the minimum penalty, under this clause.

Agreed to, and clause adopted as amended.

Clauses 15 to 22—agreed to.

Clause 23.—"Giving dogs to natives fineable:"

MR. MARMION considered this a very objectionable clause—simply giving an aboriginal native a dog to be fineable by a sum not less than twenty shillings.

MR. STEERE said the dogs owned by natives were far more destructive than native dogs themselves, in this Colony, and any man who gave an aboriginal native a dog perpetuated this nuisance, and should be punished for doing so.

THE ATTORNEY GENERAL: So long as natives are permitted to keep dogs at all, it seems to me rather arbitrary that we should prevent anyone giving them a dog.

MR. PADBURY: Natives, as a rule, are as able to pay for the registration of their dogs as a white man.

THE ACTING COLONIAL SECRETARY regarded this clause as one that inflicted hardship upon aboriginal natives. It was not in contemplation to prohibit natives from keeping dogs, so long as they complied with the conditions of the Bill as to registration, and he would like to know how—if this clause became law—they could possibly acquire a dog. He presumed that the object of the Bill was to get rid of the useless but mischievous dogs which now swarmed all over the Colony, which was a very desirable object, no doubt. But he saw no objection to a native keeping one dog, so long as he paid the registration fee.

MR. CROWTHER: A dog is not a dog, until it comes under the operation of this Act. No dog is entitled to live, under the provisions of this Bill, except under certain conditions as to registration and wearing a collar; and if any person gives a native a dog that has not complied with these conditions, he may be lawfully destroyed.

THE ATTORNEY GENERAL moved, That the clause be struck out.

Motion agreed to, and clause expunged.

MR. STEERE moved the following new clause, which was adopted without discussion:—

If any person shall wilfully or maliciously remove from the neck of any dog the collar required by this Act to be worn by such dog, such person shall on conviction forfeit for such offence a sum of not less than Two pounds nor more than Five pounds; and also shall forfeit and pay to the owner of any dog that may have been destroyed under the provisions of this Act, and in consequence of the removal of such collar, the full value of the dog so destroyed.

Progress reported.

LEGISLATIVE COUNCIL,

Friday, 25th August, 1876.

Proposed Government Measures: communication of to Members—Meeting of Council—Municipal Institutions' Bill: in committee (resumed).

PROPOSED GOVERNMENT MEASURES—COMMUNICATION OF TO MEMBERS.

MR. CROWTHER, pursuant to notice, moved, "That in the opinion of this "Council it would be an advantage to the "members, and also to the public, if at "least one month previous to each legis-"lative session the Government were to "communicate to hon. members the "various measures which it is proposed "to bring under their consideration, and "to furnish them with copies of such bills "as are intended to be introduced by "the Government." Under the present system of introducing legislative measures hon. members labored under great disadvantage, for until the bills were laid on the table and read a first time they were in utter ignorance of their provisions, and though the second reading might be fixed to take place a full week afterwards, still it must be borne in mind that

during that time hon. members were fully engaged with other matters brought under the consideration of the House, and, in the case of lengthy bills, involving important questions, hon. members approached their consideration under considerable disadvantage. Moreover, the collective wisdom of the Colony was not represented in that House; there were other persons besides hon. members who were deeply interested in the welfare of the Colony, and it appeared to him that no harm, but much good, might result if an opportunity were afforded the public to express an opinion upon such measures as seriously affected their interests. There was the Municipal Institutions' Bill, for instance, which might with advantage have been placed in the hands of the various municipal councils, in order to ascertain how far its provisions were likely to meet the requirements of the country. Here was a Bill containing no less than one hundred and thirty clauses, all of more or less importance, dealing with questions intimately connected with the public weal, and proposing to set in motion a very elaborate machinery, but of the provisions of which the House and the country remained in utter ignorance until the Bill was introduced into the Council. A few days afterwards the House was asked to affirm the principle of the Bill, and was already engaged discussing its details—details with which few hon. members could be said to be conversant. He did not mean to say that the provisions of every petty bill brought forward should be made known beforehand; there were many measures which required no great amount of deliberation, and with regard to which the present system of dealing with them might, without disadvantage, be continued. But he did think that there were many measures introduced into that House which it would be a great advantage to the public, to hon. members, and to the Government itself, if the course contemplated in the motion which he had brought forward were adopted with respect to them.

Mr. STEERE seconded the motion. It might be said that the course suggested by the hon. member for Greenough was not adopted elsewhere, but it must be borne in mind that in this Colony we stood in a somewhat unique position as regarded the brief duration of our legislative sessions. He was quite aware that such a practice was not adopted in the House of Commons, but here we were very differently situated to the mother country. Although there the general body of members were in ignorance of the provisions of most of the bills to be submitted for their consideration, still, in all measures involving questions of great public interest and importance the country pretty well knew, for months beforehand, what were the nature of the measures to be brought forward by the Ministry of the day. Even in the House of Commons, when bills were introduced of the provisions of which members were in utter ignorance, ample time—in many instances several months—was afforded them to consider those provisions before they were asked to affirm them on the motion for the second reading, and, in the meantime, opportunities were afforded the people's representatives to intercommunicate with their constituents and to ascertain the state of public feeling. Here hon. members were in utter ignorance, and the public were left in utter ignorance, of the measures which the Government proposed introducing, and little or no opportunity was afforded them to consider their provisions before they became law. He had frequently been asked—and no doubt other hon. members had been asked—what measures were likely to be brought forward at a forthcoming session, and he thought to himself he looked like a perfect fool because he could give no information whatever on the point. He did not of course intend that the Government should cause every bill to be submitted to hon. members before the Council assembled, but there were some important measures, involving questions demanding grave and careful deliberation, which he thought might be advantageously placed in the hands of members before the House met.

The ACTING COLONIAL SECRETARY thought the course suggested for adoption was contrary to the spirit of our present constitution. Were we still a Crown Colony, and without a representative legislature, he could conceive the desirability of following the practice recommended in the motion before the House. But when they had a representative assembly, to which every district of the

Colony sent a member supposed to be the most fitting to deal with the requirements of the country, he failed to see what advantage would be gained by publishing, even were it practicable, a programme of the sessional work, to be canvassed throughout the length and breadth of the land before the House met. Well, indeed, might it then be asked, what were the functions of a legislator. If hon. members did not come there for the purpose of deliberation, but merely to register the dictates of their constituents, we might as well get rid of our present constitution, and go back to that we possessed when a Crown Colony. He maintained it was that House which was the proper place for the discussion of legislative measures, and it remained for hon. members who had undertaken the part of representing the people to give that time for the full consideration of bills which their importance rendered necessary. It could not be said that there had ever been a desire manifested on the part of the Government to hurry measures through their various stages in that House, but rather to consult the wishes and convenience of the representatives of the people. He repeated, the course suggested for adoption by the hon. member for Greenough was unconstitutional, and was not altogether complimentary to the deliberative qualities of hon. members whom the public had entrusted to represent it in that House.

MR. SHENTON said he was not in favor of Responsible Government, but it appeared to him that the Acting Colonial Secretary had given one of the strongest arguments in support of a change from the present form of Government, when he talked about the course proposed in the motion before the House being opposed to the spirit of the present constitution. He did not so regard the motion himself, and although he did not think it was the province of the Government to submit measures involving state policy to the consideration of the members of that House, he did think that other bills relating to the interests of the public, such as the Municipalities' Bill, should be communicated to the people's representatives some time before the assembling of the Council, so as to allow them an opportunity of consulting their constituencies. As to the practice of the House of Commons, there was no comparison between this Colony and the mother country: there, the means of communication with members of Parliament and their constituents were easy enough, but here, members of Council had no immediate means of communicating with those whom they represented, and of ascertaining their opinion. He thought that the course recommended by the hon. member for Greenough would be advantageous to the country, to the members of that House, and also to the Government.

MR. BURGES said he was quite in accord with the spirit of the resolution, although perhaps the course suggested was not altogether constitutional. It would, at any rate, be of undoubted advantage.

MR. RANDELL said, no doubt it would be advantageous to the members of that House, but at the same time he saw there would be very grave objections to its being carried into effect. He was, however, not inclined to vote against the resolution, for he thought no harm could accrue from an expression of the opinion of the House on the matter going to the Governor. No doubt there were many measures which it would be impolitic to place before the country before the Council assembled, and which, if it were done, would place the members of that House in an awkward predicament. He thought it would be undesirable in many cases—perhaps, in most cases—that this should be done; still, he considered that there were bills, such as the Municipal Institutions' Bill of the present session, which it would be well to place in the hands of hon. members before the session assembled. There was the Bankruptcy Act, for instance, which was accepted by the House on the *ipse dixit* of a legal gentleman; hon. members not having had an opportunity of studying its details. The result had been that they had added to the statute book a measure which, to say the least of it, was not exactly suitable to the requirements of the Colony. He thought it was a matter for careful consideration, whether some compromise could not be arrived at with regard to this question. He was informed that the practice recommended by the hon. member for Greenough obtained at the Cape of Good Hope—a fact which might tend to influence His Excellency the Governor

in arriving at a decision on the point under discussion.

Sir THOMAS CAMPBELL said he had an amendment to propose which he believed would meet the approval of the hon. member for Wellington, and still more so of the other hon. members of the House. He did not conceive that it would be desirable in all cases that copies of bills which it was the intention of the Government to introduce should be furnished for publication and discussion in the public prints. He could quite understand that it would be unconstitutional to place every bill in the hands of members prior to the assembling of the Council, so as to enable them to discuss them with their constituents; yet he thought that it would be advantageous in some instances that the members of that House should be placed in possession of some information regarding the various measures which the Government proposed to bring before them. In the other colonies, the ministry of the day made no secret of their policy. Only very recently, he had noticed that Mr. Boucaut, the Chief Secretary of South Australia, had made a regular "starring" tour through the colony, to enunciate his policy, which he entered into without reserve. Here, His Excellency the Governor occupied a position analagous to that of prime minister in the other colonies, and if His Excellency expected his administration to receive intelligent support he should adopt some means of enlightening the members of the Legislature as to the policy which he proposed submitting for their affirmation. It would have been of immense benefit, even in the present session, had this course been pursued. That hon. House must be regarded in a great measure as a consultative as well as a deliberative assembly, and some chance should be afforded hon. members to consult and deliberate. He, however, was not prepared to accept the resolution before the House in its present form, and would therefore move as an amendment—"That, in the opinion of this Council, "it would be an advantage to the mem-"bers, and also to the public, if, pre-"vious to the meeting of Council in "each year, some information were given "to the members of this House upon "the various measures which it may "be proposed to bring before them."

Mr. CROWTHER believed that the fate of some of the Bills introduced this session would have been otherwise than it had been, if the course which he had suggested had been adopted. At any rate, in the case of such an important Bill as the Municipal Institutions' Bill, he thought it was but right that the public should have some idea beforehand of the character of the laws to which they are supposed to conform. He really did not think that when hon. members came to be questioned by their constituents as to the drift and meaning of the Bill he had alluded to, they would be able to afford any very satisfactory explanation of its provisions: he confessed he himself would not be. He believed the Bill would pass through the House in a shape which it would not have done, had hon. members had an opportunity of mastering its details beforehand, and of discussing it outside. He should be sorry to press the adoption of any unconstitutional course; and all he could say was—if the course here suggested was so, if the very fact of members being informed beforehand of what measures were likely to be brought before them, was unconstitutional—then the sooner we went back, as the Colonial Secretary had said, to the position of a Crown Colony, the better. Should the Government deem it their duty not to accede to the wishes of the House in regard to this resolution, the only alternative he could see was, when the Council met and got hold of the bills, to move the adjournment of the House for a month—a course which he thought would deter many persons from ever coming forward as candidates for legislative honors. He was quite prepared to accept the amendment of the hon. member for Albany, the question having now been well ventilated and the views of hon. members ascertained.

Amended resolution put and carried.

MEETING OF COUNCIL.

Mr. CROWTHER, in accordance with notice, moved—"That, in the opinion of "this House, the most convenient time "for the Council to assemble would be the "latter end of June, or the beginning of "July, in each year." The present time was very inconvenient to many hon. members, and involved considerable sacrifice

on their part. He did not think there would be any opposition to the assembling of the Council at the period named in the resolution.

MR. STEERE, in seconding the motion, said he considered it one of more importance than even the last resolution, and he felt sure that when the wish of the House in the matter was expressed to His Excellency, he would at once give effect to it. According to the Constitution Act the Council was to assemble at the time most consistent with the general convenience of those concerned, and with the public welfare.

MR. BURGES said the resolution had much to commend it, and it should have his support.

THE ACTING COLONIAL SECRETARY was sure hon. members would not think it was the desire of the Government to fix a time for the assembling of the Council which would not be convenient for them to attend. But although it might be convenient for hon. members to assemble at a particular time of the year, that time might not be convenient for the discharge of public business. The Government, for reasons over which they had no control, might not be prepared at that particular date to summon the House for the despatch of business—he need hardly say it would be utterly useless to do so otherwise; for, if the various measures which it was proposed to submit for discussion were not ripe for discussion, no advantage would be gained by assembling before they were so. It was the desire of the Government, in every possible way, to consult the convenience of hon. members in this, as well as in all other matters; and so far as the Government were able to do so,—having regard to the public welfare and the transaction of public business—the wish of the House should have effect.

Resolution adopted.

MR. CROWTHER moved, That this, and the previous resolution, be presented to His Excellency the Governor by Mr. Speaker.

Agreed to.

MUNICIPAL INSTITUTIONS' BILL.

IN COMMITTEE.

Clause 31.—"Manner of taking poll:"

MR. RANDELL: I take objection to the proposed mode of voting. I think that the general feeling of the country—shared in by this House—is in favor of the ballot; but this is a very serious departure from that principle. There is also another objection to this clause: as the chairman of the Municipal Council is, by virtue of his office, the returning officer at the elections, and as he may be a candidate for re-election, he would be placed in a very invidious position under this clause. I would move as an amendment, that the words, "signed by the voter, with his name and address," be struck out.

THE ATTORNEY GENERAL pointed out the impossibility of adopting the principle of voting by ballot, so long as we retained the present system of proxy voting. The chairman, if a candidate for re-election, could not in his capacity as returning officer return himself; he would have to resign the chair, if he were a candidate. With regard to the amendment, all he had to say was that he did not think it would effect the object in view. If the House agreed with the hon. member that it was expedient to introduce voting by ballot, it would necessitate the introduction also of a tolerably elaborate machinery to attain that object, and would necessitate the Bill being withdrawn, at any rate for the present, until the clause under discussion were re-cast. One of the objects of providing that voters should sign their voting papers was to prevent the practice resorted to at American elections—"to vote early and vote often."

MR. RANDELL: If it is understood that provision shall be made that no candidate for re-election shall be returning officer in his own case, that will in a great way meet the difficulty.

MR. MARMION supported the amendment. He regarded it as a very important one, and would sooner see the Bill rejected altogether than that the amendment should be negatived. He considered the provisions of the existing Act far superior, in this respect, to the present Bill, and he deemed the amendment proposed a most desirable proposition.

MR. STEERE believed the general feeling of the House was in favor of voting by ballot, and, as the Government had intimated it was not their present intention to introduce a bill to provide for the adoption of that system, he thought it would be well that the House should

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