

The House then went into Committee on the Bill.

Clause 6:

MR. BROWN'S amendment was, by leave, withdrawn.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he thought all the hon. member for Geraldton wished to be done, with reference to amending this clause, would be accomplished if he moved—which he now did—that after the word “marriage,” and before the word “shall,” in the first line, the words “in pursuance of such notice” be inserted, and after the word “nor,” and before the word “until,” in the fourth line, the words “in any case” be inserted.

Question put and passed.

Clause 6, as amended, agreed to.

Clause 7 agreed to.

Schedules A and B agreed to.

Preamble agreed to.

Title agreed to, and Bill reported.

The House adjourned at a quarter to four o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 15th September, 1879.

Secret Bills of Sale Bill: third reading—Money Order System: adjourned debate—Message (No. 8): Volunteers: further considered in Committee—Point of Order—Celebration of Marriage Bill: third reading; re-committed—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

SECRET BILLS OF SALE BILL.

This Bill was read a third time and passed.

EXTENSION OF MONEY ORDER SYSTEM.

ADJOURNED DEBATE:

The Order of the Day for the resumption of the debate upon Mr. Carey's

motion, relating to the extension of the Money Order System [p. 170 *ante*], being read,

MR. SHENTON moved that the Order be discharged, and the question referred to a Select Committee, such Committee to consist of more than five members, viz., the hon. M. Fraser, Mr. Crowther, Mr. Harper, Mr. Monger, Mr. Burges, and Mr. Carey.

This was agreed to.

MESSAGE (No. 8): VOLUNTEERS.

The Order of the Day for the further consideration of this Message, in Committee, being read,

MR. MARMION moved, “That—in reply to paragraph 7 of His Excellency's Message [p. 134 *ante*], this House is of opinion, after weighing fully the reasons and arguments set forth therein, that it is desirable so far to modify their Address of the 27th August, as to include upon the strength of the Volunteer Force of the Colony, ‘The Fremantle Naval Artillery Troop, with a force of 30 men,’ provided that the expenditure in connection with the organization and upkeep of such Corps shall not exceed the amount estimated by the Staff Officer of Volunteers, as shown in the Return laid on the Table of the House.”

POINT OF ORDER.

MR. S. H. PARKER raised a Point of Order. The question involved in the resolution now before the House was substantially the same as one upon which judgment had already been expressed in the course of the present Session.

THE CHAIRMAN OF COMMITTEES said it certainly was a rule in both Houses of the Imperial Parliament not to permit any question to be offered, in the current Session, which was substantially the same as one on which their judgment had already been expressed. But what was to be determined here was—whether the question now brought forward by the hon. member for Fremantle was substantially the same question as that upon which the House had already expressed an opinion, or whether—though similar in its general import—it was not sufficiently at variance

to constitute a new question. *May* said: "There is a difficulty in discharging an 'order for an address to the Crown'—here, of course, an address to His Excellency the Governor, who represented the Crown, would amount to the same thing—"after it has been presented to 'Her Majesty. Thus, in 1856, when 'an address had been voted on the 'subject of national education in Ireland, 'in which the majority of the House 'did not concur, instead of discharging 'the order for the address, a resolution 'was agreed to, for the purpose of 'qualifying the opinions embodied in 'the address." It appeared to him (the Chairman of Committees) that the hon. member for Fremantle had so framed his resolution as to bring it under the paragraph he had just read, qualifying the opinions embodied in the previous resolution on the same subject. He would therefore rule that the present resolution was not out of order.

MR. PARKER expressed a wish that the question should be referred to the Speaker.

THE SPEAKER took the Chair.

THE CHAIRMAN OF COMMITTEES reported that a Point of Order had arisen in Committee. The hon. member for Fremantle had moved a resolution on His Excellency's Message (No. 8) relative to the Naval Artillery at Fremantle, and the question had been raised by the hon. member for Perth whether such resolution was not out of order, inasmuch as judgment had already been expressed by the House on the same question this Session. A few days ago a resolution was adopted by the House in reply to a message from His Excellency relating to the Volunteers, and on receipt of that resolution His Excellency sent down another message, the one now under consideration, asking the House to reconsider its decision. In ruling that the hon. member for Fremantle was not out of order he (the Chairman of Committees) had been guided by a paragraph in *May*, in which it was shown that when an address to the Crown had been voted in the House of Commons, in which the majority did not concur, instead of discharging the order for the address, a resolution was agreed to for the purpose of qualifying the opinions embodied in the address, and Her

Majesty's answer was framed in the spirit of the resolution, as well as of the address. It appeared to him that the resolution now submitted by the hon. member for Fremantle qualified the opinions expressed in the previous resolution adopted by the House on this subject, and he had therefore ruled that he was not out of order. He had, however, been directed to refer the question to Mr. Speaker.

MR. S. H. PARKER: I think the Chairman of Committees—inadvertently, of course—has stated the case somewhat erroneously. There is nothing in His Excellency's Message (No. 8) to warrant the statement that the House was asked to reconsider its previous decision. Had His Excellency done so, no Point of Order would have arisen.

MR. SPEAKER: I will read what *May* says on the subject: "It is a rule in both 'Houses, not to permit any question or 'Bill to be offered, which is substantially 'the same as one on which their judgment has already been expressed, in the 'current Session. This is necessary, in 'order to avoid contradictory decisions, 'to prevent surprises, and to afford 'proper opportunities for determining 'the several questions, as they arise. 'If the same question would be proposed 'again and again, a Session would have 'no end, or only one question could be 'determined: and it would be resolved 'first in the affirmative, and then in the 'negative, according to the accidents to 'which all voting is liable." That is what *May* says on the subject, and as the House has already expressed its judgment on this question of the Naval Artillery at Fremantle, I cannot rule otherwise than that the present resolution is out of order, seeing that His Excellency in his Message does not invite a reconsideration of the question. Had His Excellency done so, it would have been a different matter.

THE SPEAKER then left the Chair.

IN COMMITTEE.

MR. S. H. PARKER moved, That Progress be reported.

Agreed to.

CELEBRATION OF MARRIAGE BILL.

The Order of the Day for the third reading of this Bill being read,

MR. BROWN moved, as an amendment, that the order be discharged, and the Bill be now recommitted.

MR. SHENTON moved, as an amendment upon the amendment, that the Bill be recommitted that day six months.

MR. CROWTHER seconded the amendment upon the amendment. The Bill appeared to him altogether uncalled for, and would interfere materially with the facilities now afforded for people to join themselves in the holy bands of matrimony. If a man obtained a certificate to get married from the registrar at York, and the would-be Benedict came to reside say in Perth before the nuptial knot was tied, his certificate would be of no use to him in Perth, or in Northam, or anywhere else but York.

MR. BROWN: Read the Bill.

MR. CROWTHER: I have done so, but can't understand it.

Question—that the words proposed to be struck out by the amendment on the proposed amendment stand part of the question—put.

Council divided—

Ayes	11
Noes	7

Majority for	...	4
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AYES.	NOES.
The Hon. G. W. Leake	Mr. Crowther
The Hon. M. Fraser	Mr. Hardey
Mr. Brown	Mr. Marmion
Mr. Brockman	Mr. Monger
Mr. Burges	Mr. S. H. Parker
Sir T. C. Campbell	Mr. Pearse
Mr. Carey	Mr. Shenton (Teller.)
Mr. Hamersley	
Mr. Harper	
Mr. S. S. Parker	
The Hon. E. T. Golds- worthy (Teller.)	

The amendment to the proposed amendment was therefore negatived, and the House went into Committee.

Clause 1:

MR. BROWN moved that after the word "banns" and before the word "until," the following words be inserted:—"or intimation in writing of an intention to have such marriage, shall be affixed for three consecutive Sunday on the door of the place of worship in which it shall be intended to celebrate such marriage."

MR. SHENTON suggested that provision should also be made for having the intended marriage advertised in the *Government Gazette*.

MR. MARMION asked what would be considered a 'District,' within the meaning of the Bill, and whether it would not be desirable to describe a number of matrimonial Districts.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said if the hon. member would peruse the Bill, he would see what a 'District' meant.

MR. MARMION said it was evident that a wide-spread feeling of dissatisfaction with the Bill existed both inside the House and outside it, and, that being the case, he was surprised at the strong feeling evinced by the Government in its favor. He thought it would have been wiser on their part, seeing the opposition manifested against the Bill, if they had withdrawn it for this Session, in order to enable the country at the general elections to pronounce an opinion on the subject.

The Committee then divided upon the amendment proposed by the hon. member for Geraldton, with the following result—

Ayes	7
Noes	7

AYES.	NOES.
The Hon. R. T. Golds- worthy	Mr. Crowther
The Hon. M. Fraser	Mr. Hardey
Mr. Brown	Mr. Marmion
Mr. Burges	Mr. Monger
Mr. Harper	Mr. S. H. Parker
Mr. S. S. Parker	Mr. Shenton (Teller.)
The Hon. G. W. Leake (Teller.)	

There being an equal number of votes, THE CHAIRMAN OF COMMITTEES gave his casting vote with the Ayes, and the clause, as amended, was ordered to stand part of the Bill, which was then reported.

The House adjourned at half-past nine o'clock, p.m.