

Clause 76: Justices shall imprison persons found drunk on Sunday, Good Friday, or Christmas Day—

Mr. STEERE said that, though as anxious as anyone to put down drunkenness, he certainly thought it should be optional on the part of justices to imprison a person found drunk on the Sabbath. For that reason he would move that the word "may" be inserted in lieu of the word "shall."

Mr. BICKLEY supported the amendment, as he considered the clause a particularly stringent one. He could hardly conceive that it was a greater crime to get drunk on Sunday than on any other day.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 77 and 78 agreed to.

Clause 79: Approbation of fees and penalties—

Mr. NEWMAN questioned the propriety of giving one-half of all fines and penalties and forfeitures under the Act to the person who had informed against the offender, especially as the penalties were now so heavy. The principle of rewarding an informer never worked well.

The COLONIAL SECRETARY (Hon. F. P. Barlee) thought that unless this clause was retained no information would be likely ever to be given of an infringement of the law. It would not affect a police constable, as all fines forfeited to the police were appropriated towards a Superannuation Fund, and not a farthing went into the constable's own pocket.

Mr. MARMION pointed out how any rogue or scoundrel, for the sake of obtaining the sum of £25, being one-half the lowest penalty for selling liquors on Sunday, might persuade an unwary publican to supply him with a bottle of grog on that day. No man of honest principles, of course, would adopt such a course, but there were plenty of rogues who would do so.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that was the very reason why the fine for Sunday trading had been made so heavy, so as to effectually stop the surreptitious sale of liquors by an equally imprincipled publican. Informers were, doubtless, a very odious class, but he feared they were among the necessary evils which must be tolerated by society.

Clause agreed to.

Progress reported, and leave obtained to sit again.

ADDRESSES TO HIS EXCELLENCY THE GOVERNOR.

The SPEAKER reported that the Address to Her Most Gracious Majesty and the Address relating to the case of Thomas Hiden, passed on the 31st July and the 14th August, had been presented to His Excellency in accordance with the resolutions of the House.

The Council adjourned at 11 p.m.

LEGISLATIVE COUNCIL, Tuesday, 20th August, 1872.

Lighthouse at Busselton—Conservation of Jetties and Wharves Bill: first reading—Telegraph between Bunbury and Busselton: in committee—Swan Roads Board—Repeal of 18 Vic. No. 5: first reading—Duties on Imported Goods Repeal Bill: Additional Duties of Tariff Act, 1872, Bill: select committee report—Scab-in-Sheep Amendment Bill: second reading: in committee—Property in Telegraphic Messages Bill: third reading—Public House and Sale of Fermented and Spirituous Liquors Bill: in committee—Duties on Imported Goods Repeal Bill: Additional Duties on Tariff Act, 1872, Bill: select committee report: Standing Orders suspension.

The SPEAKER took the Chair at 12 noon.
PRAYERS.

LIGHTHOUSE AT BUSSELTON.

The SPEAKER informed the house that the Address to His Excellency the Governor, agreed to on the 16th instant, had been presented in accordance with the resolution of the House.

CONSERVATION OF JETTIES AND WHARVES BILL.

First Reading.

Mr. HASSELL, in accordance with notice, moved for leave to introduce a Bill to promote the conservation by corporate bodies of jetties and wharves within their municipalities.

The Bill was read a first time.

TELEGRAPH BETWEEN BUNBURY AND BUSSELTON.

In Committee.

Mr. CAREY moved the following resolution:—That in the opinion of this Council it is desirable that communication by electric telegraph should be established between Bunbury and Busselton, and that, with a view to carry out this opinion, an humble Address

be presented to His Excellency the Governor, praying that he will be pleased to make provision for this service on the Estimates for 1873. Mr. Carey said he need not point out the manifest advantages which would accrue from the extension of the telegraph line already constructed as far as Bunbury to Busselton, and taking into consideration the large proportion of the loan which it was proposed to expend in the northern districts he thought that the south might well claim a greater share than was at present allotted to her. As Busselton would be the only district in the colony deprived of the boon of telegraphic communication he trusted that the resolution would meet with the support of the House.

Mr. STEERE seconded the motion, which was also supported by Mr. NEWMAN.

Question put and passed.

SWAN ROADS BOARD.

Mr. BROCKMAN moved that an humble Address be presented to His Excellency the Governor, praying that the sum of £200 be placed on the Estimates for the purpose of enabling the Swan Roads Board to rebuild the bridges carried away by the late floods. In asking for this sum he might state his belief that it was very far below the amount that would be required for the purpose, even for the reconstruction of Swan Bridge alone. He considered that the Swan district had peculiar claims upon the Government for assistance in this matter; it had always, it appeared to him, received a very small proportion of the grant in aid for roads and bridges, taking into consideration the number of bridges which the board had to keep in repair, and which were available for the traffic of other districts.

Mr. DRUMMOND seconded the motion.

The ATTORNEY GENERAL (Hon. R. J. Walcott) pointed out that under the provisions of the District Roads Board Act, section 29, the board was empowered to levy a rate for the purpose of conserving the roads and repairing the bridges of the district.

Mr. NEWMAN thought the House should hesitate before affirming the resolution, not that the object in view was unreasonable in itself, but if the motion were adopted, other districts would likewise put in their claims, and there was no knowing how much money they would be required to vote before the session was over. If they went on at the rate the present would be designated "the spending session of 1872," or perhaps some people

would even call it "the bubble session of 1872." Without for a moment disagreeing with the motion, he thought it desirable that the House should not be too precipitate in its action in the matter.

Mr. STEERE contended that, taking into consideration the distressing circumstances under which the bridges had been destroyed, they should be reconstructed out of the general revenue of the colony. As for levying a rate for the purpose, such a course, in the present depressed state of the district, would be almost ruinous, and would not after all be sufficient for the work of reconstruction.

The SURVEYOR GENERAL (Hon. M. Fraser) suggested that when the division of the usual grant in aid came to be made, those districts which had not suffered from the late destructive floods should forego a portion of their usual allowance, so as to augment the share of those districts which had suffered more severe losses.

Mr. LOGUE thought the motion before the House a very reasonable one, especially taking into consideration the number of bridges which were under the supervision of the Swan Roads Board available and utilized for the general traffic of other districts. The sum asked for would be merely supplementary to the amount that would be raised by means of a local rate, which of itself would be utterly insufficient for the object in view.

The SURVEYOR GENERAL (Hon. M. Fraser) pointed out that the very reason why he had suggested that other districts should contribute their quota towards the work of reconstruction, by magnanimously foregoing a portion of their annual grant, was that the bridges upon which it was proposed to expend the money, were available for the general traffic of those districts.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the Swan district was not at all singular in the course it had adopted in seeking aid towards the repairing of damages done by the recent floods. Several applications of the same nature had already been received by the Government, and, doubtless, other districts would be soon putting in their claims. He thought the motion of the hon. member for Swan opened a much wider door than the House imagined. As an additional sum of £1,000 had been placed on the Estimates for 1873 towards the maintenance of roads and bridges, making the total sum proposed to be granted for that purpose £9,000, and as the division and disposal of that sum

rested in a great measure with the Council, he thought the matter had better be postponed until the Estimates came to be considered in committee.

After some further observations from Mr. SHENTON, Mr. BICKLEY, and Mr. DRUMMOND, the further consideration of the question was postponed.

REPEAL OF 18 VIC. No. 5.

First Reading.

Mr. BROCKMAN, in moving for leave to introduce a Bill to repeal the Ordinance for abolishing grand juries, 18th Vic. No. 5, and to make other provisions in lieu thereof, said that in bringing forward the motion which stood in his name, he begged it to be understood that he did so without any reference whatever to the late action of the hon. the Attorney General in the case of Lockier Clere Burges, now *sub judice*; but with a very strong reference to the power that is given to an Attorney General under the Ordinance which he proposed to repeal,—a power which no one man, be he whom he may, should possess. The grand jury was one of the bulwarks of the British Constitution, and it ought never to have been taken away from this colony, without some very powerful reason indeed for so doing. He had no doubt that when the Government, under the provisions of the existing Ordinance, suppressed the grand jury, the course adopted was only intended as a temporary expediency, and it was never contemplated that the institution should be permanently suppressed. The reasons that existed at the time the grand jury was abolished did not exist at present; there could be no difficulty now in finding gentlemen to sit on the grand inquest, and he thought that any departure from the constitutional usage of the Mother Country, to which we ought to adhere as closely as possible, was fraught with great danger. Looking at the peculiar circumstances of the colony, he thought that hon. members would agree with him that it was not safe for us to be without a grand jury. He begged to reiterate that he was actuated by no *animus* at all in bringing forward his motion, and if such an opinion was entertained—as he had been informed it was—in the minds of hon. members opposite, he would ask them to give him credit for being animated by no other feeling than a desire to restore to the people of this colony that safeguard of their liberties which was contemplated in the Bill which, with leave of the House, he proposed to introduce.

The Bill was read a first time.

DUTIES ON IMPORTED GOODS REPEAL BILL.

ADDITIONAL DUTIES ON TARIFF ACT, 1872, BILL.

Select Committee Report.

The COLONIAL SECRETARY (Hon. F. P. Barlee) brought up the report of the select committee appointed on the Tariff Bills, and moved that the same be read.

Question put and passed.

SCAB-IN-SHEEP AMENDMENT BILL.

Second Reading.

Resumed debate.

The Bill was read a second time.

In Committee.

In the Committee stage certain amendments were made to the Bill.

Bill reported, with amendments.

PROPERTY IN TELEGRAPHIC MESSAGES BILL.

Third Reading.

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

The Bill was read a third time and passed.

PUBLIC HOUSE AND SALE OF FERMENTED AND SPIRITUOUS LIQUORS BILL.

In Committee.

Resumed debate.

Postponed clause 10—

Mr. LOGUE moved that clause 10 be struck out.

Question put, "That clause 10 stand part of the Bill," upon which a division was called for, the result being as follows:—

Ayes 14

Noes 3

Majority for 11

Ayes.	Noes.
Mr. Steere	Mr. Drummond
Mr. Shenton	Mr. Brockman
Mr. Newman	Mr. Logue (Teller.)
Mr. Pearce	
Mr. Carey	
Mr. Hassell	
Mr. Bussell	
Mr. Monger	
Mr. Marmion	
Mr. Bickley	
The Speaker	
The Hon. M. Fraser	
The Hon. R. J. Walcott	
The Hon. F. P. Barlee	

(Teller.)

Question thus passed.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved the insertion of the following words after the words "not to be drunk on the premises" in the fourth line of the clause:—"Provided that for the purpose of this section the word "premises" shall mean any house licensed under this clause, and also the appurtenances thereunto belonging over which the licensee may reasonably be supposed to be able to exercise supervision; and provided that nothing herein contained shall prevent such licensee from supplying such colonial wine, cider, or perry, for the use of his household, or for the use of servants residing on his premises."

Mr. LOGUE, Mr. BROCKMAN, and Mr. DRUMMOND strenuously opposed the amendment.

Amendment put, "That the words proposed to be added be added," upon which a division was called for, the result being as follows:—

Ayes 11
Noes 6

Majority for 5

<p>Ayes. Mr. Steere Mr. Carey Mr. Hassell Mr. Shenton Mr. Monger Mr. Russell Mr. Marmion Mr. Bickley The Hon. M. Fraser The Hon. R. J. Walcott The Hon. F. P. Barlee (Teller.)</p>	<p>Noes. Mr. Brockman Mr. Drummond Mr. Newman Mr. Pearce The Speaker Mr. Logue (Teller.)</p>
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Amendment thus passed.

Postponed clause, as amended, agreed to.

Clause 3—

Mr. STEERE, with leave, moved that the words "twenty-five gallons," be inserted in lieu of "five gallons."

Amendment agreed to.

Clause, as amended, agreed to.

Schedules agreed to.

Bill reported, with amendments.

DUTIES ON IMPORTED GOODS REPEAL BILL.

ADDITIONAL DUTIES ON TARIFF ACT, 1872, BILL.

Select Committee Report:
Suspension of Standing Orders.

Mr. CARR moved that the Standing Orders be suspended, with a view to the consideration of the report of the select committee on the Tariff Bills.

Question put, "That the Standing Orders be suspended," upon which a division was called for, the result being as follows:—

Ayes 10
Noes 7

Majority for 3

<p>Ayes. The Hon. F. P. Barlee The Hon. M. Fraser The Hon. R. J. Walcott Mr. Bickley Mr. Marmion Mr. Russell Mr. Pearce Mr. Newman Mr. Drummond Mr. Carr (Teller.)</p>	<p>Noes. Mr. Monger Mr. Carey Mr. Hassell Mr. Brockman Mr. Shenton Mr. Staere Mr. Logue (Teller.)</p>
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Question thus passed.

The Council adjourned at 3 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 21st August, 1872.

Exploration by Mr. J. Forrest: in committee.—Torrens Act—Pilgrimage Charges—Receipts and Expenditure of Telegraph Company—Case of Thomas Hiden—Duties on Imported Goods Repeal Bill: Additional Duties on Tariff Act, 1872, Bill: second reading: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

EXPLORATION BY MR. J. FORREST.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Council resolve itself into a Committee of the whole, and recommend that an humble Address be presented to His Excellency the Governor, requesting that he will be pleased to cause the sum of £400 to be placed on the Estimates for 1873, in furtherance of the expenses proposed to be incurred by Mr. John Forrest in exploring the interior of this colony. The hon. gentleman having explained the objects of, and intimated the route proposed to be traversed by, the expedition, informed the House that Mr. Forrest calculated that the expenses would amount to about £600, towards which he (Mr. Forrest) was prepared to raise £200 by private subscriptions. His Excellency the Governor was strongly in favor of the proposed undertaking, and looking at the great benefits which might accrue from the expedition, apart from the scientific knowledge which would be gained thereby, His Excellency looked upon the House to favorably consider the proposed undertaking. In this the Colonial Secretary also concurred.