

manner. The whole of the unauthorised expenditure appeared to the entire satisfaction of the committee. He had not time yet to draw up the report, but he thought that after this intimation on his part the Bill might be now committed. He would therefore move that the House resolve itself into a Committee of the whole for the second reading of the Confirmation of Expenditure Bill.

In Committee.

The Bill passed through Committee without discussion.

The Council adjourned at 3 p.m.

LEGISLATIVE COUNCIL,

Friday, 9th August, 1872.

Volunteer Force—Local Road Boards Amendment Bill: first reading—Ballarat Timber Company—Standing Orders: Message from the Governor—Periodical Visits of Resident Magistrates—The Case of Thomas Hiden: select committee—Grant of Patents Bill: third reading—Adjournment.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

VOLUNTEER FORCE.

Mr. CARR, in accordance with notice, moved:—

1—That, in the opinion of this Council, it is desirable to take steps to promote the discipline and efficiency of the Volunteer Force, so as to render it really reliable, should its service be required by Government, in case of emergency.

2—That, in the opinion of this Council, these objects may be most fitly promoted by grants of Land, not exceeding fifty acres each, being made to such officers, non-commissioned officers, and privates, of the Volunteer Force, as shall have served in the Force for the period of five years' continuous service, from the time of this regulation coming into force. Such grants to be conveyed by occupation certificates, exchangeable, three years after date, for Crown grants, on proof being made to the satisfaction of the Commissioner of Crown Lands that improvements have been made on the land applied for, in buildings, fences, cultivation, or otherwise, to the value of £25.

Land certificates issued to Volunteers to be transferable, subject to the conditions aforesaid; but should the conditions be unfulfilled at the expiration of three years from the issue of the occupation certificate, the land to revert to the Crown. No Volunteer to be entitled to any occupation certificate or grant unless under such regulations as the Governor shall make and publish in the *Government Gazette*, embodying the principle that such Volunteers shall have attended, at least, the Infantry 12 Parade Drills, and the Cavalry 8 Parade Drills, within each year of his service, and (should a camp of instruction be formed) at least three days' field service in each year, and at all times have held himself ready for duty if called out for active service, and shall have, on the expiration of five continuous years of service, obtained a certificate of good conduct and efficiency from the officer commanding his own regiment, company, or troop, approved by the Commanding Officer of Volunteers, or such Officer or Inspector as the Governor may from time to time appoint.

3—That this Council will approve of the expenditure of such moderate sum as may be necessary to provide for the expenses of an annual camp of instruction, to be taken out of, or, as the case may be, in excess of the annual grant for Volunteer purposes.

4—That a copy of these resolutions be presented, with an humble address, to His Excellency the Governor, praying that he will be pleased to represent the wishes of the Legislature to Her Majesty's Secretary of State for the Colonies, and to move him to obtain the assent of Her Most Gracious Majesty to such an additional Land Regulation as may enable him to carry them into effect.

The hon. member said he had always taken a great interest in the volunteer movement, and it afforded him much pleasure to submit the motion for the consideration of the House. The Volunteer Force had been in existence in this colony for a period of 10 years, and notwithstanding the fact that no substantial inducement or reward had ever been offered or given to its members, they had taken a very lively interest in the movement, and he certainly thought the time had now arrived when some encouragement should be accorded to them. In his opinion it appeared very desirable that some steps should be taken to promote the discipline and efficiency

of the force, so as to render it really reliable should its service be required by Government. In case of emergency, 100 efficient men would prove far more effectual than 500 inefficient members. It appeared to him that this object would be best attained by grants of land to such officers, non-commissioned officers, and privates as should have served in the force for the period of five years' continuous service from the time of this regulation coming into force. It had been suggested to him that volunteers resident in towns should, in lieu of rural grants, be permitted an equivalent in town allotments, with the view of their being induced to erect cottages or houses upon them, thereby promoting settlement. He would not detain the House by expatiating upon the motion, which he trusted would receive the cordial support of hon. members.

The SURVEYOR GENERAL (Hon. M. Fraser) said he entirely coincided with the hon. member in regard to his motion, on many grounds. In the first place, as an old volunteer in a colony where they had, with patriotic zeal, heroically come forward to assist to quell an internecine struggle which had continued for many years, and during which many a brave fellow nobly sacrificed his life. Subsequently, in that colony, the same inducements as it was now proposed to hold out to efficient volunteers in this country were offered, and though he had never availed himself of the concession, many others did, and the discipline and efficiency of the force was materially promoted thereby. He only trusted that our own citizen-soldiers would, by strict attention to drill and discipline, render themselves eligible for the reward which it was proposed to grant them. He had much pleasure in supporting the motion.

Mr. LOGUE suggested that the grants of land in country districts be increased to 100 acres. He had a decided objection to concessions of small blocks of land in the rural portions of the colony for the purpose of settlement. With the view of rendering the term of service which would entitle a volunteer to the increased number of acres commensurate with the increased grant, he would further suggest that the term of years after which such grants might be exchangeable should be increased from three years to five.

Mr. CARR thought that it was very advisable that the regulations be such as were likely to meet with the approval of the Secretary of State. If we asked for too much we might get none at all.

Mr. PEARSE contended that if our volunteers were ever to be rendered really reliable

in case of emergency, some inducement should be held out to them for their sacrifice of time in attending drills and parades, and he certainly thought the terms of the proposal suggested by the hon. member for Perth would, as it stood, have that effect.

The COLONIAL SECRETARY (Hon. F. P. Barlee) had very great pleasure in expressing his entire concurrence with the motion before the House. A short time ago a representation was made to the Government by several volunteer officers, that it would be desirable to take some steps to promote the discipline and efficiency of the force; and a suggestion similar to that embodied in the resolution under consideration was made, to which the Government replied that, with the view of strengthening His Excellency's hands in any representations he might have to make to the Secretary of State in the matter, a resolution of the Council would be advisable. The motion would have the cordial support of the Government.

Mr. SHENTON also supported the resolution.

Mr. STEERE moved that in paragraph 3 the words "or, as the case may be, in excess of" be struck out.

Amendment agreed to.

Motion, as amended, agreed to.

LOCAL ROAD BOARDS AMENDMENT BILL.

First Reading.

Mr. BICKLEY, in accordance with notice, moved for leave to bring in a Bill to amend the 34th Vic., No. 26, intituled, "An Act to establish Local Boards for the conservation, improvement, and making of Roads in the several Districts of the colony."

The Bill was read a first time.

BALLARAT TIMBER COMPANY.

Mr. NEWMAN, in accordance with notice, moved that the Council take into consideration the negotiations and agreement with the Ballarat Timber Company, to ascertain whether the concessions should be stopped; and that the papers should be laid on the Table of the House. He said he moved the motion with a feeling of very grave responsibility. Looking at the question from any point of view, and in any light, it was one of very grave importance in every sense of the word; so grave and so important, in fact, that he

would willingly have shirked the responsibility of introducing his motion to the consideration of the House, did he not believe that in doing so he would be guilty of a grave dereliction of duty. The motion, on the face of it, might appear to convey the notion that in bringing it forward he intended to cast a reflection upon the Government in regard to their action in the matter; but he was prepared to affirm most conscientiously that no intention of that kind had animated him in introducing the resolution that stood in his name. No one who had perused the voluminous correspondence which had passed between the Government and the company in reference to the negotiations and the concessions made, but must feel thoroughly convinced, that if the Government had erred at all they had erred from no want of consideration on their part. From the whole one and tenor of the correspondence, especially that relating to the earlier stage of the negotiations, and prior to the agreement being ratified, there could be no doubt whatever but that the Government believed that the benefits which the colony would derive from the concessions made to the company would be fully commensurate with those concessions. From the anxious attention which His Excellency had evidently paid to the whole matter, and from his well-known belief that much advantage would result to the colony by the expansion of its timber trade, as well as from the same views shared in by the hon. the Colonial Secretary, he (Mr. Newman) could clearly understand that when the negotiations between the Government and the company were first entered into there was not the remotest conception that the company would at so early a date find itself in the position in which it now found itself. It was never for a moment imagined that in so short a time after entering upon the agreement the company, on the one hand, would be in a position to claim concessions, without the colony, on the other hand, receiving any commensurate benefit from the company's operations. It was never supposed that the mere laying down of a certain number of miles of railway, and the importation and erection of a certain quantity of machinery, would by any possible means be equivalent to the value of the concessions granted to the company. The whole tenor of the earlier correspondence between the Government and the company shows that this was not the *quid pro quo* contemplated in the agreement, in fact, to a portion of the correspondence, there was attached a minute by His Excellency which clearly showed that the whole spirit of the arrangement was, that the concessions should be granted only on the

ground that the line of railway constructed by the company should be a public benefit and utility, and be opened to public traffic. Nothing could be clearer than the fact, that this was the intention of the Government when the agreement was entered into; but, unfortunately, there was no specific clause to that effect in the contract. In fact, there was nothing in the agreement which would debar the company from obtaining their concessions if they never cut one single piece of timber; it merely provided that on the completion of a certain number of miles of railway, and the erection of a jetty, wharf, and certain machinery, the company would become absolutely entitled to claim their concessions. But, it appeared to him that, in a question of public importance of such a magnitude as this, the letter of the agreement should not be exclusively adhered to, in contravention to its spirit. Although there was no mention whatever in the contract of the evident intention of the Government as to the nature of the mutual benefits to be derived by the colony and the company from the agreement, he still maintained—although it might appear paradoxical to make such an assertion—that such intention was, in indelible, though unseen, characters, all over the agreement. He therefore contended that in a question involving so much public interest, and one of such magnitude and importance, the undoubted intentions of the contracting parties should be taken into consideration. In fact, judging from the whole tone of the correspondence, it was never contemplated by the company that the result would have been what it has been in so short a space of time. He had not the slightest intention of throwing any discredit on the Government or on the company; he conscientiously believed that, in its inception, the intentions of the company were perfectly *bona fide*, and that the position in which they were at present placed in regard to claiming their concessions had simply arisen from a mistake. But, such being the case, that was no reason why the Council should not take the matter into its careful consideration. In one clause of the agreement provision was made that the line of railway which, under the terms of the contract, they constructed, shall be open to public traffic. The company had strenuously opposed the introduction of this clause so far as the conveyance of timber was concerned; arguing very naturally that on the immediate boundaries of the belts of timber land which, under the agreement they were entitled to, there were other equally favorable belts for timber-cutting purposes, which might be utilised by other companies or private individuals, who would avail themselves of the

company's railway for transporting their timber, to the material injury of the company's trade. For this reason they made every effort to have the words "timber excepted" inserted in the clause referred to. But the Governor was inexorable, and declined to have the words added to the agreement;—a proof, on one side, that His Excellency was actuated by a careful regard to the interest of the colony, and a proof, on the other hand, that the company were perfectly honest in their intention of carrying on the timber trade. In fact, it appeared that the Government, on one hand, had erred through its almost too earnest desire to develop the timber trade of the colony, and that the company, on the other hand, had been deceived by the representations or misrepresentations of our local Press with regard to our timber resources of the impossible development, without instituting due inquiry as to whether they were likely to be realized or not. But granting that the Government had erred from honorable and pure motives, and that the company had erred in consequence of the misrepresentations of the Press, he contended that those were not sufficient reasons why the colony should be injured, as it undoubtedly would be if the company obtained the concessions which, in accordance with the terms of one of the clauses in the agreement, they were entitled to if the evident intentions of the Government were ignored in interpreting that clause. How far was it within the power of the Council to support the Government, if they desired it, in putting a stop to the concessions, or at all events, in deferring them until the intentions of the Government—the spirit as well as the letter of the agreement—were carried out, he could not say; but, whatever the result of the discussion would be, he thought it very desirable that it should take place, if only for the simple reason that the country should know exactly how the Government had acted in the matter, how they had erred, and the reason why they had erred. It might probably be argued that as the stoppage of the company's works might only be temporary it was premature to discuss the matter; but the privilege or concessions granted to the company were being rapidly bartered and disposed of and it would be too late to consider the subject, when they had obtained all they were entitled to. There was one thing connected with the agreement upon which he was not quite clear. A clause in the compact debarred the company from becoming entitled to their concessions until their railway and machinery had been approved or "passed" by the Government. He had been under the impression, occasioned by outside rumour,

and partly confirmed by certain marginal notes on a portion of the correspondence, that a gentleman connected with the Government and at present in the House, had inspected and approved the company's railway and machinery; but he had subsequently been informed that that impression was entirely erroneous, and he certainly could not find any report or certificate to that effect. If such, then, was really the case, and the Government had not satisfied itself as to the satisfactory completion of the company's works by inspection, he certainly thought that was a very good reason why the granting of the concessions should, at any rate, be deferred until that had been done. He could hardly conceive that the Government would grant the concessions until the provisions of the clause referred to had been complied with and fulfilled in some way or the other that he was not then aware of. Perhaps it would have been as well if, in the motion that stood in his name, instead of the word "stopped" he should have inserted "deferred." Doubtless, it would be argued that it would be far better that his motion had not been brought forward at all, on the ground of the damaging effect which it would cause in the outside world consequent upon its having the appearance of a repudiation of the contract on the part of the Government; but that was the last thing he would ever dream of suggesting, even by implication, to that honorable Council. But, on the other hand, he did not think that even such a contingency would have prevented him from bringing forward his motion, if he thought that the concessions would be deferred thereby. No apprehension of being misunderstood either inside or outside the House, should deter a man from doing what he thought was his duty, and of expressing his opinions on a question which he considered affected the interests of the colony. However, desirable it was to let bygones be bygones, and that the whole matter should be shelved, and that the concessions granted to the Ballarat Timber Company should be a beacon to guide other companies to come amongst us; on the other hand, in a question involving such grave considerations, he would have deemed himself guilty of shirking his duty had he neglected to bring the matter before the House. He, therefore, begged leave to move the resolution which stood in his name.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he had listened very attentively to what had fallen from the hon. member for Fremantle, but he had not been able to make out what his object had been in bringing forward his motion. He was very glad to find that

the hon. member gave the Government credit for having been actuated by a desire to promote the interest of the colony in every step they had taken in connection with the negotiations and concessions. Beyond that, although he had given the speech his most careful attention, he certainly had been unable to gather what the hon. gentleman had in view in submitting his resolution for the consideration of the House. The motion that stood in his name was for the Council to take into consideration certain negotiations and an agreement between the Government and the Ballarat Timber Company with the view of ascertaining if the concessions should be stopped. Now, before going any further he begged leave to inform the hon. member that the question was one in regard to which the House had no power to interfere; the matter was beyond their control. It was not in the power of the Council, in the first place, to grant the concessions, neither was it in their power to withhold them. He laid that down as an axiom which he would endeavor to demonstrate. But, before doing so, he would again state what he had already mentioned when the hon. member first moved that the correspondence and agreement between the Government and the company should be placed on the Table of the House. He had then stated and he now reiterated that statement, that the correspondence was so exceedingly voluminous that it would take a very long time and involve a considerable expenditure to have it copied, and it would be manifestly inadvisable to place original documents of such importance on the table, where they might possibly be mislaid, which, he need not inform the House, would be a very unfortunate occurrence. Therefore, unless the Council was prepared to vote a sum to defray the expense of printing the correspondence, he must decline to accept the responsibility of placing the originals on the table. The whole, however, was as he had already stated, open to the inspection of hon. members, at his office. Having stated that much, he would now return to what had fallen from the hon. member for Fremantle that evening. The hon. member in introducing his motion said it was with great reluctance that he had done so at all, and that he would have been very glad to have postponed it. He (the Colonial Secretary) could not conceive why he had done so, unless—and he did not suppose such was the case; he did not assume it for one moment, indeed he would be very sorry to do so—it was with some desire to damage the interests of the company, or unless,—which was a fair inference—it was with a desire to save land revenue of the colony. If so, he gave the hon.

member every credit for entertaining so very proper a feeling. In another portion of his speech the hon. gentleman had stated that he would be very sorry to do anything which would savor a repudiation in regard to any agreement entered into between the Government and any company; but he (the Colonial Secretary) maintained that the whole tenor of his speech, the whole object of his resolution, was simply a question of repudiation, a desire to move the Government to repudiate an arrangement which had been carefully entered into, and for breaking which there had been no reason at all. What could be more injurious or damnatory to the credit of the colony; what could be so immoral, as the adoption of the course suggested by the hon. member, or of any steps taken by that honorable House which savored of repudiation? What effect, he would ask, would such a course have in the other colonies, in England, or anywhere among those people who were looking upon this colony as a fair field for investment, and who were anxious to enter into agreements with the company obtaining concessions in return for the expenditure of capital, and of the first resolutions adopted in a new Legislative Council of the colony, tendered to a repudiation of the contract? What effect, he would ask, would such a course have even upon the question of a public loan? Was it not reasonable to suppose that the slightest attempt at the repudiation of an agreement, the slightest stain on the honor of the Government, would very effectually prevent us from obtaining a loan at all? Such a course it appeared to him would, more than anything he could conceive, damage the credit of the colony for ever. The slightest suspicion of the good faith of an individual, or of a company, much less of a Government, would have a most injurious effect as regarded the initiation of a loan. For this reason he extremely regretted that the hon. member had adopted the course which he had, in submitting his motion to the House, for it could only lead to what could not possibly tend to benefit the colony, but on the contrary might do us incalculable harm. The hon. member had said that he gave the Government credit for having acted in entire good faith throughout the whole affair. He (the Colonial Secretary) was prepared to reciprocate the sentiment, and to say that he believed the hon. member in bringing forward his motion had acted in good faith, but certainly under an entire misconception of the circumstances of the case. The land which it was proposed to give, and that which had already been given to the company, belonged to the Crown and not to the colony; it was not within our power even to give it away without

the sanction of the Crown who, he might add, had always been and always would be ready to listen to any recommendation from the colonial Government or the Legislature of the colony in regard to the disposal of such lands. But, it would be borne in mind by hon. members—and he reluctantly alluded to the fact—that so far as the powers of that House were concerned the utmost they could do in matters connected with the Crown lands of the colony was simply to offer a recommendation as to their disposal. In the matter then under consideration—the concessions to the Ballarat Timber Company—the Secretary of State having on receipt of certain representations contained in a despatch from His Excellency the Governor, containing the terms of agreement which it was proposed to enter into with the company, approved of and sanctioned the agreement it was out of the province of the House to repudiate it. The agreement contained a provision, and a very clear one, too, with respect to the terms upon which the concessions should cease. A clause provided that in the event of a stoppage of the company's works for a continuous period of 12 months all concessions were to determine. Such had not been the case yet, and therefore there was no ground for interference on the part of the Government. On behalf of the company,—and he spoke with some authority—he would state that so far from there being a likelihood of a lengthened stoppage of the works, or of such ever having been contemplated, it was intended to carry them on with renewed vigor. Having asserted that much, he might fairly ask what possible good would result from the present discussion; rather would much evil result from it. Whatever course the House might take in regard to the matter, no action could be taken by the Government upon any resolution of the Council. Allusion had been made to the fact that no special survey of the company's works had been made before the land scrip was granted to them. He was quite willing to allow that no special survey had taken place, no one had been specially deputed by the Government to “pass” the work performed, but the Government, nevertheless, had fully satisfied itself that the work had not only been done, but done well, and in accordance with the terms of agreement. Unless this had been the case he need not say that no land scrip would ever have been issued; as it was, scrip had been granted only to the extent of the work performed. He was quite prepared to admit that very liberal concessions had been granted to this company, for the simple reason that it was the very first extra-colonial company that had been induced to give the

colony a trial as a field for enterprize. We had been trying in vain for a long time to induce capitalists from the neighbouring colonies to come amongst us, with the view of developing our timber and mineral resources, and there was a very prevalent and a strong feeling that unless very liberal concessions were offered no capitalists would ever be induced to come. Therefore, the Ballarat company being the pioneer company, very large concessions had been given them in the hope that thereby they would be enabled to make a good deal of money, that they would be able to do so well, in fact, that their success would prove as an advertisement in inducing others to come. He would have been very glad himself had the company succeeded far better than they had done; he had reason to believe that at no distant date they would do so, as it was their intention to continue their works on a much larger scale than hitherto. The liberal concessions granted to this company had already borne fruit, for another company had been induced to come here, and was at present engaged in the construction of a line of railway much nearer to Perth than that at Lockeville. But it never was intended to give to any other company such liberal concessions as to the pioneer company; such concessions, in fact, would probably never be given again, either to a timber, or any other, company. Notwithstanding all that had been said by the hon. member to the contrary, he (the Colonial Secretary) was of opinion that the benefits which would accrue to the colony would yet be commensurate with the concessions made to the company. There was a very good and sufficient reason why the company had temporarily stopped operations. It was not their own fault. In saying this he must not be understood to advocate the part of the company, though he believed it had been said by many people that he was a large shareholder in the company. He gave an unqualified denial to the statement; he never had one farthing's interest in the company, and so long as he held office in the colony he never should have, nor would he agitate, or mix himself up in anything that he had any pecuniary interest in. But, the reason why the company had been to a certain extent paralyzed had been the difficulty of obtaining shipping upon anything like reasonable terms. Since the opening of the Suez Canal the demand for shipping had been so enormous, and freights had risen to such an extent, that it was with the utmost difficulty that any ships capable of carrying timber could be chartered at all, on any reasonable terms. The freights demanded, in fact, were such as it would be insanity for any company to accept. He believed there was a

ship now loading at Geographe Bay, and the company had to pay no less than £7 freight for every pile, and £3 12s. for every load of sawn timber. In consequence of this great difficulty of obtaining shipping the company had been compelled to refuse several very large orders from the other colonies, orders to the value of many thousands of pounds. With a laudable desire to carry on their works the company had employed a shipping agent, and that agent was now in Sydney endeavouring to purchase ships, but the prices demanded were so exorbitant that the agent had advised the company to wait until they were reduced. He might also state that there were very large quantities of timber now awaiting shipment at the company's works, but no ships could be had to convey it away. Under these circumstances he thought it was unreasonable to raise the question of withholding the concession, or that anything like repudiation of a fair and legitimate agreement should be even hinted at. He averred, and without fear of contradiction, that no breach of that agreement had taken place which would justify any suspension, even for a single day, of the concessions granted under it.

The SPEAKER thought that the Government had acted in this matter in perfect good faith towards the colony, and without any other object in view than benefiting it. He would give them all credit for what they had done, and if they had made a bad bargain—which we were all liable to do at times—he believed they did it with the best of intentions. He deprecated anything having the slightest approach to a repudiation; on the contrary, he would have the strictest good faith kept with the company, who should have all they were entitled to under the agreement. He would ask them, on the one hand, to perform their part of the contract, and on the other hand, he would ask the Government to perform their part most religiously. He would further ask every hon. member of that House to assist the Government in carrying out the agreement in all its integrity.

The SURVEYOR GENERAL (Hon. M. Fraser) concurred.

Mr. NEWMAN, though agreeing with the spirit of the observations made by the hon. the Colonial Secretary, could yet not possibly conceive that an agreement sanctioned by the Secretary of State on the representation of the local Government was, like the laws of the Medes and Persians, irrevocable, and that if the spirit as well as the letter of such an agreement was not carried out in its integrity it could not be revoked. He maintained that, although the letter of the contract had been

carried out, its spirit had been altogether violated; whether by accident or not was immaterial. The whole spirit and intention of the agreement was that the colony indirectly should receive an equivalent for the concessions granted to the company, and if that equivalent was not forthcoming, no matter from what cause, he contended that neither should the concessions be forthcoming. He was sorry to say that the terms of the agreement were not exactly as stated by the hon. the Colonial Secretary; though, for the sake of his motion, he almost wished they were. The hon. gentleman stated that if the company stopped their works for 12 months they would forfeit their concessions. Such, unfortunately, was not the case. There were two kinds of concessions contemplated and provided for in the agreement; one, of a certain number of acres of land—which the company was free to select in any part of the colony—for every mile of railway constructed, but the other concession confined their selection to timber land in the immediate vicinity of their railway, and, unfortunately, it was this latter concession which could be withheld if the company ceased operations for 12 months. The clause had no reference whatever to the larger and the more important concessions. Had it been so, nothing would have prevented him from pressing his motion, although he was, of the elected members, one of the staunchest supporters of the Government when it was proposed to grant such concessions to a pioneer company. He was at a loss to understand how, in the face of there being an appearance of a long stoppage of the works, the hon. the Colonial Secretary should state that it was right that the concessions should still go on. He could not concur, at all events, with the honorable gentleman in his expressions of his conviction that the company intended to carry on their works, and even on a larger scale than heretofore. He regretted to say that he firmly believed that such would not be the case, and though it was with reluctance that he publicly alluded to the financial difficulties of the company, he was impelled to state that long before they ceased operations they were in difficulties as regarded money matters; long before any company formed on a basis ought to have been. They were in pecuniary difficulties at the present moment, and the reason why their concessions were being bartered was simply to relieve them from their pecuniary embarrassment. Therefore, he could not conceive how it could be said that stoppage of the works was temporary, though he was willing to admit that it had in a measure been brought about by the difficulty of obtaining shipping. But he contended that from what-

ever cause the stoppage arose, if the spirit, as well as the letter of the agreement, was not adhered to, it was the duty of the Council to interfere. When the works stopped the concessions also should be stopped. The whole agreement was on the *quid pro quo* principle, and if we did not get the *quo* he did not see why we should grant the *quid*.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he would not detain the House by discussing with the hon. member the interpretation of the clause, nor would he take up the time of the House by entering into any details of the financial condition of the company. All that he pretended to know was in regard to the terms of the agreement between the Government and the company, and he repeated that it was almost idle for the Council to make any recommendation in the matter unless it were proved that a breach of agreement had been committed, and if such had been the case there would have been no necessity for the interference of the House, for the Government would have taken good care that if the contract had been violated the concessions should have been withheld.

Motion put and negatived.

STANDING ORDERS.

Message from the Governor.

The SPEAKER announced the receipt of the following Message from His Excellency, the Governor:—

FRED. A. WELD,
Governor.

I confirm the Amended Regulations No. 9 and No. 47.

I regret that I cannot assent to Amended Regulation No. 69, on the ground that it deprives individual Members of Your Honorable Council of a privilege which has been granted to them, to promote the impartial constitution of Select Committees. Nor do I think it consistent with my duty to assent to the Amended Regulations Nos. 2, 3, and 56, because those amendments involve a constitutional alteration by changing the balance established between the Executive and the Representative elements in Your Honorable Council, and by enabling a bare majority to put a stop to the business of the Country, not by open and legitimate opposition, but by simply absenting themselves from the House.

Government House, Perth, 9th August, 1872.

PERIODICAL VISITS OF RESIDENT MAGISTRATES.

Mr. BROCKMAN, in accordance with notice, asked the Colonial Secretary whether it was the intention of the Government to carry out the regulation, established by a former Council, for periodical visits of resident magistrates to out-portions of their districts for the purpose of holding petty sessions.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that no definite regulations had ever been issued by the Government with regard to resident magistrates paying periodical visits to the outlying portions of their districts for the purpose of holding petty sessions. Resident magistrates were held responsible for carrying out their duties efficiently, and were supposed to visit all portions of the districts in their charge, but there would be difficulties arising if magistrates were bound down to fixed periodical visits.

THE CASE OF THOMAS HIDEN.

Select Committee.

Mr. BICKLEY, in accordance with notice, moved that an humble Address be presented to His Excellency, the Governor, praying that he will bring to the special notice of Her Majesty's Secretary of State for the Colonies the highly unconstitutional action of the Victorian (and South Australian) Legislature in the deprivation of the rights of a British subject, as evidenced in the case of Thomas Hiden. And (on the suspension of Standing Orders) that a committee consisting of Mr. Brockman, Mr. Shenton, and the Mover be appointed to frame the Address.

Question put and passed.

GRANTS OF PATENTS 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.

ADJOURNMENT.

Mr. NEWMAN moved that the House do now adjourn until Wednesday, 14th August.

The SURVEYOR GENERAL (Hon. M. Fraser) seconded the motion.

Mr. LOGUE moved, as an amendment, that the House do now adjourn until Tuesday, 13th August.

Mr. BROCKMAN seconded the amendment.

Question—That the House do now adjourn until Tuesday, 13th August—put and passed.
The Council adjourned at 8.20 p.m.

LEGISLATIVE COUNCIL,
Tuesday, 13th August, 1872.

Volunteer Force—Public House and Sale of Fermented and Spirituous Liquors Bill Petition—Railway to Eastern Districts: select committee—Scab-in-Sheep Ordinance Amendment Bill: first reading—Confirmation of Expenditure Bill: third reading—Public House and Sale of Fermented and Spirituous Liquors Bill: second reading—Public Loan Bill: second reading: in committee—Duties on Imported Goods Repeal Bill: Additional Duties on Tariff Act, 1872. Bill: second reading—Amendment of Constitution Bill: motion for second reading.

The SPEAKER took the Chair at 12 noon.
PRAYERS.

VOLUNTEER FORCE.

The SPEAKER informed the Council that the Address to His Excellency the Governor, adopted by the Council on the motion of Mr. Carr on the 9th instant, had been presented in accordance with the resolution of the House.

PUBLIC HOUSE AND SALE OF
FERMENTED AND SPIRITUOUS
LIQUORS BILL PETITION.

Mr. NEWMAN presented a petition, signed by 17 licensed victuallers, praying certain alterations in the Public House and Sale of Fermented and Spirituous Liquors Bill.

The petition was received and read by the Clerk.

RAILWAY TO EASTERN DISTRICTS.

Select Committee.

Mr. DRUMMOND, in accordance with notice, moved that a select committee be appointed to consider the subject of a railway to the eastern districts; such committee to consist of Mr. Newman, Mr. Steere, Mr. Shenton, Mr. Brockman, the Surveyor General (Hon. M. Fraser), Mr. Monger, and the Mover.

Question put and passed.

SCAB-IN-SHEEP ORDINANCE
AMENDMENT BILL.

First Reading.

Mr. DRUMMOND, in accordance with notice, moved for leave to bring in a Bill to amend the Scab-in-Sheep Ordinance, 1866, and to repeal the Scab-in-Sheep Ordinance Amendment Act, 1871.

The Bill was read a first time.

CONFIRMATION OF EXPENDITURE
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.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving the second reading of the Bill to consolidate and amend the laws relating to the licensing of public houses and the sale of fermented and spirituous liquors, said that he did not believe there was any principle involved in the Bill which would not meet with the general approval of the House, though in all probability there would be a divergence of opinion in regard of the details of the measure. It would be in the recollection of some hon. members that at the last session of Council, consequent upon a memorial and a very generally expressed desire on the part of the licensed victuallers and the public, the Government had introduced a Bill to amend the laws relating to the licensing of public houses; but that in consequence of a difference of opinion manifested in the Council relative to a hotel license and the abolition of the gallon license, the Government finding that the main principles of the Bill had been rejected by the House, withdrew it. Of course, it had been quite competent on the part of any hon. member to have introduced another measure, but as no one had adopted that course, and as there still prevailed a very strong feeling that the present Ordinance required amending, the Government, having during the recess endeavored to ascertain what modifications would be generally acceptable to the public, had brought forward the measure then before the House. At the present stage, all he would ask of hon. members in regard to the Bill was the affirmation of the