

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

broad principle that, both in the interest of the licensed victuallers as well as of the public generally, it was desirable and essential that the present Ordinance relating to the licensing of public houses, and the sale of spirituous and fermented liquors should be amended. Having accepted the principle, the Bill might, if hon. members thought it advisable, be referred to a select committee. There was no desire on the part of the Government to insist upon any of the details of the measure. The desire of the licensed victuallers as represented in their memorial applying for a modification of the existing licensing regulations was—a reduction of the licensing fee, the abolition of gallon licenses, and permission to keep open the hotel department until the hour of midnight, except on Sunday. So far as he had understood, when the Bill was before the House last session, there appeared a very great divergence of opinion in the minds of hon. members with regard to those grounds of complaint; the proposal to abolish gallon licenses was negatived, and it was not thought desirable to keep the hotel open till midnight. In the present Bill it was proposed to reduce the publican's license fee in certain cases; but instead of abolishing gallon licenses, the Government, in consequence of suggestions from various parts of the colony, proposed to extend them, so as to enable those who, under the existing Ordinance, are allowed to sell by the gallon to dispose of a pint bottle. This proposal would not of course be acceptable to the wishes of the licensed victuallers, who would probably tell him, as Balak said unto Balaam, "We took thee to curse our enemies, and, behold, thou hast blessed them altogether." He thought, however, that the amended clause would be approved by storekeepers throughout the colony, and he believed it was calculated to put a stop to a great deal of the undue consumption of intoxicating drinks. If, however, the majority of the House were desirous of retaining the gallon license as at present in operation, there would be no objection on the part of the Government; it would rest entirely with hon. members themselves. Under the amended regulation the grocer's license was raised to £25, and as it was presumed that in its operation, it would considerably diminish the custom of the publicans, a reduction was proposed to be made in the publican's general license, reducing the fee to £40. (Having further explained what other alterations it was proposed to effect, the hon. gentleman pressing his motion for a second reading, asked the House simply to affirm the principle of the Bill; an opportunity would be afforded in Committee for discussing its details.)

Mr. NEWMAN said he did not rise to oppose the second reading of the Bill, especially as the hon. gentleman who had just sat down confined the affirmation of the principle of the Bill to a simple acknowledgement of its being desirable that the existing Ordinance in regard to the regulating and licensing of public houses and the sale of fermented and spirituous liquors, be amended. The general principles of the Bill, however, appeared to him to be identical with those of the measure which had been introduced and withdrawn last session. He thought the proposed extension of the gallon license most objectionable and reprehensible, as it must tend rather to increase than to diminish the consumption of intoxicating liquors. The packet license was also highly objectionable, especially if it was intended to extend it to small craft plying on the coast. Its effects would manifestly be attended with great danger to life and property. However; as an opportunity for discussing the details of the Bill would be afforded in Committee, he would not oppose the motion for its second reading.

After some brief observations from Mr. STEERE, Mr. BROCKMAN, and Mr. BICKLEY, the Bill was read a second time.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the House do resolve itself into a Committee of the whole.

Mr. LOGUE moved to leave out all the words after the word "that," with a view to inserting the words "the Bill be referred to a select committee consisting of the Colonial Secretary (Hon. F. P. Barlee), Mr. Monger, Mr. Newman, Mr. Marmion, Mr. Carey, Mr. Shenton, Mr. Carr and the Mover."

Amendment agreed to.

Motion, as amended, agreed to.

PUBLIC LOAN BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved the second reading of the Bill for raising the sum of £35,000 by loan, for the construction of certain public works. So much discussion had already taken place in regard to the Bill that he was absolved from the necessity of entering into detailed observations in regard to it. He would simply state that if the House adopted the Bill intact, in its present form, His Excellency was empowered to give his assent to it at once, and public works would be immediately commenced.

Mr. CARR explained the reason why, after so strenuously opposing the Bill last session,

and also after having subsequently intimated his intention of still further opposing it, he was now prepared to support it. The three objections which he had entertained against the measure had been removed. They were, firstly, the smallness of the amount proposed to be raised, and its expenditure upon works scattered all over the colony; it having been his impression that the amount expended on such works should have been provided out of the general revenue. Secondly, he had believed that the adoption of the present Bill would have precluded us from introducing another for a larger amount and probably prevent us from initiating another loan at all, until the present one had been repaid. His third objection was the belief that it was intended to raise the loan in the London market, a course which owing to the smallness of the amount proposed to be borrowed, would have had a most damaging effect upon the credit of the colony. All these objections had been removed by the statement made by the hon. the Colonial Secretary on the occasion of his submitting his Budget, and he (Mr. Carr) was now prepared to support the measure as strenuously as he had formerly opposed it.

Mr. NEWMAN said that the grounds of his opposition to the Bill had been identical with the hon. member, who had last spoken, and that in this case they had to a very great extent been removed. On the distinct understanding that the money should be raised in the colony; that the initiation of the proposed loan would not preclude us from contracting another, and a more extensive one; and that, if not so desired by the House, the money should not be expended upon any item in the scheme of public works not approved by the Council, he would agree to the motion for the second reading, and, indeed, for the adoption of the Bill.

Mr. SHENTON expressed himself to the same effect.

Mr. BICKLEY supported the motion before the House on the ground that if the Bill in its integrity was opposed and rejected, very useful and very necessary public works would be delayed for a considerable period. The initiation of this loan would be driving in the thin end of the wedge, and preparing the road for the initiating of a larger loan at a future period.

Mr. LOGUE supported the motion for the second reading.

Mr. STEERE said that the explanation offered by the Colonial Secretary on the occasion of submitting his financial statement

had to a considerable extent removed the objections which he had previously entertained against the Bill, and he would not oppose its being committed.

Mr. DRUMMOND said that his particular objection to the Bill was the purchase of telegraph lines at a cost of £12,000; but that had been removed in a great measure consequent upon what had fallen from the hon. the Colonial Secretary, although he was still of opinion that that could not be looked upon as a reproductive work. Another objection which he had to the Bill, and one which he feared would not be removed was, that the works upon which it was proposed to expend the loan were not fairly divided among all the districts of the colony. For instance, it was proposed to spend no less than £5,000 in Champion Bay alone, but not a penny in the eastern districts, the most important portion of the colony. The small sum of £1,000 which at a previous session had been reluctantly voted to defray the expenses of a preliminary railway survey in the eastern districts had been made chargeable to the general revenue; here it was proposed to expend a sum of £1,675 in preliminary surveys in the Champion Bay, and what were termed the mining districts; or rather a region of water-holes, as the hon. member for Fremantle had very properly designated our so-called mines. He contended that in the present state of the colony this was simply a waste of money, whereas a railway to the eastern districts would be at once remunerative and reproductive work. The sum now proposed for railway surveys at Champion Bay had not been included in the Bill when before the House last session, and he was not aware that it had ever been under the consideration of the Council at all. It appeared to him that the whole of the money proposed to be raised was to be expended in the Fremantle, the southern, and the northern districts, and not a single sixpence in the district which he had the honor to represent. Although not desirous of throwing any obstacle in the way of the Bill, he must yet be permitted to enter his protest against this disproportionate method of expending the public funds.

After some further observations from Mr. MARMION, the SURVEYOR GENERAL (Hon. M. Fraser), and the COLONIAL SECRETARY (Hon. F. P. Barlee), the Bill was read a second time.

In Committee.

Clauses 1 and 2 agreed to.

Clause 3: The moneys so borrowed shall be raised by the issue of debentures for

amounts not less than £100, bearing interest at a rate not exceeding 6 per cent per annum, and such debentures shall be paid off at par at the expiration of 28 years from the date of the issue by a sinking fund equal to 2 per cent on the amount of the debentures so issued—

The SPEAKER thought the amount of the debentures was fixed at too high a sum. As it was proposed to float the loan in our own colony—and he congratulated the Council and congratulated the colony upon the probability of our at last obtaining a loan—he thought the debentures might be issued for £50, which would afford an opportunity for small capitalists to obtain 6 per cent interest instead of 3½ per cent. at the savings bank. He begged leave to move that £50 be inserted in lieu of £100.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that he would be very glad to accede to the motion of the hon. member, if it could be done; but unfortunately the Governor was tied down in regard to the conditions upon which the loan had been sanctioned by the Secretary of State. If we were to have the Bill at all, we would have to accept it intact. His Excellency's instructions were of such a nature that he had no option in the matter.

After desultory discussion, the clause was agreed to and the Bill was reported without amendment.

**DUTIES ON IMPORTED GOODS
REPEAL BILL.
ADDITIONAL DUTIES ON
TARIFF ACT, 1872, BILL.**

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving the second reading of the Bills, said they were so closely allied that he proposed they be considered together. It had been suggested to him that they should be referred to a select committee, and to that he had no objection. In matters connected with the imposition of additional taxes on the people he thought it was but fair and proper that any scheme of taxation should be presented in such a way as would be most acceptable to the people's representatives. The Government had submitted a scheme which, in their opinion, was fair and reasonable, but if any member was prepared to submit a better scheme, no objection would be made on the part of the Government. In moving the second reading of this Bill he would merely ask hon. members to affirm the broad principle that it was necessary for carrying on the

public service that extra funds should be provided, and that in providing those funds it was desirable that colonial industries should as far as possible, be protected.

On the motion for the second reading being put,

Mr. SHENTON moved that the Bills be referred to a select committee, to consist of the Colonial Secretary (Hon. F. P. Barlee), Mr. Carr, Mr. Steere, Mr. Logue, Mr. Newman, Mr. Monger, and the Mover.

Question put, "that the Bills be referred to a select committee," upon which a division was called for, the result being as follows:—

Ayes	11
Noes	6

Majority for	5
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Ayes.	Noes.
Mr. Steere	The Hon. M. Fraser
Mr. Logue	The Hon. R. J. Walcott
Mr. Drummond	Mr. Bussell
Mr. Brockman	Mr. Marmion
Mr. Hassell	Mr. Bickley
Mr. Carey	The Hon. F. P. Barlee
Mr. Pearse	(Teller.)
Mr. Newman	
Mr. Carr	
Mr. Monger	
Mr. Shenton (Teller.)	

Question thus passed.

AMENDMENT OF CONSTITUTION BILL.

Motion for Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved the second reading of the Bill to increase the number of members to serve in the Legislative Council, and in doing so said he was desirous of removing an impression which was prevalent, that the adoption of the Bill would necessitate a dissolution of the Council. Such would not be the case. Dissolutions of Parliament were only rendered necessary by the introduction of some new element into the Constitution, such as the enfranchisement of a class who had previously not exercised the franchise, or an appeal to the country upon some great question involving an important principle, such as free trade and protection. If the Bill passed, the new members would be able to take their seats at the next session of the Legislative Council.

Mr. STEERE opposed the motion. There were only 24 electors in one of the two districts to which it was proposed to give a member—the Northern district—there were only 31 houses in the district, and the inhabitants altogether only numbered 172, who were now represented by the hon. member for Geraldton. He could not see any necessity for

increasing the number of representatives, and he would move that the Bill be read that day six months.

Mr. LOGUE seconded the amendment of the hon. member for Wellington.

Amendment put, "That the Bill be read a second time this day six months," upon which a division was called for, the result being as follows:—

Ayes	11
Noes	6
Majority for	5

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

Amendment thus passed.

The Council adjourned at 4.15 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 14th August, 1872.

Harbor Improvements—Land Regulations: select committee—Courts of Quarter Sessions—Property in Telegraphic Messages Bill: first reading—Volunteer Force: explanation—Case of Thomas Hiden: select committee report—Education Papers Tabled—Extension of Telegraph—Local Road Boards Amendment Bill: motion for second reading—Public Loan Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

HARBOR IMPROVEMENTS.

Mr. NEWMAN, in accordance with notice, moved that no expenditure, except for the proposed new jetty, be made on harbor improvements at or in the vicinity of Fremantle, except in connection with the river. And, with leave, to add the words "until such time as a comprehensive plan of harbor improvements be agreed to."

Debate ensued.

Question put and negatived.

LAND REGULATIONS.

Select Committee.

Mr. BROCKMAN, in moving for a select committee to take into consideration the land

regulations, with the view of simplifying, explaining, and amending certain portions of them, said it was not his intention to propose any very serious alterations in the existing land laws, with the general spirit of which he concurred. He, however, considered that some of the regulations were not sufficiently definite, and their meaning not sufficiently obvious. He could not but think that they had not been so well considered as they ought to have been by the committee appointed to frame them last session. He also thought that some want of courtesy had been manifested by the committee in regard of the replies sent to the circular queries of the hon. the Commissioner of Crown Lands. Those queries had been forwarded only to such persons as were supposed to have some practical knowledge of the land question, yet, he had been told, that although a large pile of replies had been received, they were not even looked at by the select committee. There were some portions of the existing regulations which, he thought, were open to very grave objections; notably the clauses relating to tillage leases, upon the owners of which, privileges had been most indiscriminately conferred, without due consideration of what was due to the hard-working man who had cultivated the land. It was well known that a large proportion of these tillage blocks had fallen into the hands of the merchants; in saying which he did not mean to imply that the dealings between that class and that which was termed "cockatoo" farmers were not perfectly fair and legitimate. He did, however, mean to say that the merchants were not the men who ought to have the privileges conferred upon them, which by the regulations were intended to be conferred on the *bona fide* tillage leaseholder, who had occupied and improved his leasehold. The next portion of the existing regulations to which he objected was that referring to lands for special occupation, in regard to which he did not think the terms were sufficiently liberal; and, moreover, they were too much mixed up with the general lands of the colony. These remarks would apply also to those men who have taken up those tillage blocks for securing runs, and water accommodation without the slightest intention of either improving or cultivating them. From what he understood, the Commissioner of Crown Lands had made a great mistake as to the manner in which he had carried out the regulation in reference to this class of land. By declaring such large portions of the colony into lands for special occupation the squatter had been not only inconvenienced but injured, while, on the other hand, the agriculturist had not, in the slightest degree, been benefited.