

billiards, bagatelle, or other games to be played within such licensed house after the hour of 10 o'clock in the evening by any other than *bona fide* lodgers; and if any such licensed person shall offend against the terms of this provision, he shall for every such offence forfeit any sum not exceeding £50, to be recovered before any one or more Justices of the Peace.

Debate ensued.

Mr. MARMION moved an amendment that the figure "10" in the third line be struck out, and the figure "12" inserted in lieu; and that the figure "50" be struck out, and the figure "20" inserted in lieu.

Amendments agreed to.

New clause, as amended, agreed to.

New clause—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the following stand as clause 11 of the Bill:—

That this Act and the said recited Act shall be read together as one Act.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

ADMINISTRATION OF CRIMINAL LAW 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.

IMPORTATION OF CATTLE, SHEEP, AND PIGS BILL.

In Committee.

The Bill passed through Committee without discussion.

SURVEY OF LAND FOR RAILWAY PURPOSES BILL.

Second Reading and Committee.

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

The Bill was read a second time and passed through Committee without discussion.

ABOLITION OF FORFEITURES FOR TREASON AND FELONY BILL.

Second Reading and Committee.

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

The Bill was read a second time and passed through Committee without discussion.

DUTY ON TRANSFER OF LANDED PROPERTY 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.

The Council adjourned at 11.15 p.m.

LEGISLATIVE COUNCIL,

Tuesday, 8th July, 1873.

Assent to Bills: Message from the Governor, No. 1—Harbor Improvement Board Report: select committee—Chairman of Committees—Immigration: in committee—Torrens Act: select committee—Departmental Expenditure: select committee—Sussex Roads Board: in committee.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

ASSENT TO BILLS.

Message from the Governor—No. 1.

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

The Governor was pleased, on the third day of July, in the year of Our Lord 1873, and in the thirty-seventh year of Her Majesty's Reign, in the name and on behalf of the Queen to assent to the following Act; that is to say:—

"An Act to Amend the Law concerning Warrants of Distress."

And on this eighth day of July, in the year of Our Lord 1873, and in the thirty-seventh year of Her Majesty's Reign, is pleased, in the name and on behalf of the

Queen, to assent to the following Acts; that is to say:—

"An Act to confirm the Expenditure for the services of the year one thousand eight hundred and seventy-two beyond the grant for that year."

"An Act to repeal the Duties on Sales by Auction and to impose a New Duty on the License to be taken out by all Auctioneers in Western Australia."

"An Act to remove some Defects in the Administration of the Criminal Law."

"An Act to alter the Act to impose a Duty on the Transfer of Landed Property."

Government House, Perth, 8th July, 1873.

HARBOR IMPROVEMENT BOARD REPORT.

Select Committee.

Mr. BICKLEY, in accordance with notice, moved that a select committee be appointed to consider the report of the Harbor Improvement Board, such committee to consist of the Colonial Secretary (Hon. F. P. Barlee), Mr. Steere, Mr. Marmion, Mr. Logue, and the Mover; and (with leave of the House) with power to call for papers and take personal evidence upon such points in connection with the subject as may appear desirable.

Question put and passed.

CHAIRMAN OF COMMITTEES.

The SURVEYOR GENERAL (Hon. M. Fraser) proposed to the House that the hon. member for Vasse should consent to undertake the duties appertaining to the office of Chairman of Committees, which office the Speaker, in consequence of the memorial he had received from his constituents, had resigned. He would, therefore, propose that Mr. Carey be nominated to the chair.

The COLONIAL SECRETARY (Hon. F. P. Barlee) seconded the proposition.

Mr. CAREY said he considered it no compliment to have been appointed to the vacant chair, as it was well known that the office had gone a begging for some time. Outside the House it had been mentioned to him that it would be considered *infra dig.* for a nominee member to accept the office; if so he considered it was equally beneath the dignity of an elected member. However, in accordance with the expressed wish of the House, he would consent to accept the office, temporarily, and he trusted that some hon. member

better qualified than himself, and more conversant with parliamentary practice, would be nominated to the office.

The hon. member was then conducted to the chair.

IMMIGRATION.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) before introducing the motion which stood in his name, said he was sorry that the hon. member for Vasse, in accepting the office to which he had been nominated by the House, should have availed himself of the opportunity to say that he looked upon his election as anything but a compliment. He would simply say that in his opinion, any hon. gentleman unanimously appointed by that honorable House to such an office as that of Chairman of Committees ought to look upon such an appointment as a compliment. It was true that the office had gone a begging for a considerable time, but he conceived that in acceding to the unanimous wish of the House in the matter the hon. member for Vasse had done a very proper and graceful act. He would now move the resolution of which he had already given notice, and proposed that the House do then resolve itself into a Committee of the whole to reconsider the resolutions passed during the last session regarding immigration, with a view to offer additional facilities to intending immigrants. It would be in the recollection of most hon. members that the question had been brought under the consideration of the House last year, and that certain resolutions had not produced the effect which it was anticipated they would, and only 11 applications had been made to the Government from persons anxious to nominate immigrants under the provisions of the scheme adopted last session. There could be no doubt, he apprehended, on the mind of any hon. member in that House, or on the mind of any right thinking men in the colony, that this country stood in need of a supply of useful agricultural laborers, practical miners, and domestic servants; and that some steps ought to be taken without delay to ensure such a supply. His own opinion was, that we were more likely to obtain the requisite number and class of immigrants from the neighbouring colonies; men used to colonial life, who would be obtained at a lower rate than from a distant country, and who, once they arrived here, and found that inducements were offered for them to remain, would settle down and become a useful class of colonists. But it would have to be borne in mind, that if we went to the other colonies for a supply of

male laborers, we would have to pay them wages at the rate ruling in those colonies, which, of course, was higher than in the Mother Country. On the other hand, if we obtain a supply of labor from England, the wages we would have to pay British immigrants would be lower than that ruling in the Australian colonies, but the quality of the labor obtained would be correspondingly inferior. With regard to female domestic servants, it would be perfectly useless to attempt to procure a supply of that class of immigrants from the neighbouring colonies; to obtain these, we would have to make arrangements with the Immigration Commissioners at Home, or with some agent, to charter a vessel, and get them out in small numbers. He did not suppose that this class of immigrants would be in a position to pay the deposit money required under the existing immigration regulations. The question then arose, in what manner and to what extent should those regulations be modified. The House, in the first place, would have to consider whether or not it would be advisable to do away with the payments of deposits altogether, or whether it would be more advisable to lower the amounts of deposits now required to be paid down. In the next place, the Council would have to consider whether or not it would be wise to continue the subsequent undertakings on the part of immigrants on their arrival in the colony. Another important question for the decision of the House in connection with the resolutions passed last session was the desirability or not of abolishing the limit therein placed on the number of immigrants to be nominated by any one person or company. If the proposition in regard to the construction of a railway from Geraldton to Northampton, through the mining district of Victoria, be adopted, no doubt there would be an increased demand for labor, and whoever were the successful contractors for that work, would be anxious to nominate a considerable number of immigrants. He would therefore suggest that the restriction in regard of limiting the nomination of immigrants be abolished. The system of granting land-orders in the same manner as in Queensland might also be advantageously adopted here, with view of including a good and useful class of immigrants to come amongst us, but this, of course, could not be done without a reference to the Secretary of State for the Colonies. The hon. gentleman, in conclusion, said, he had not come before the House with any definite scheme, but had simply thrown out one or two suggestions for the guidance of the House in dealing with the question before them. He had no desire to press the House to proceed to the

consideration of the subject there and then, or to come to any hasty decision in the matter. He would leave it to the House to adopt whatever course it thought best, and would merely ask for an expression of opinion on the part of hon. members on the question before them.

Mr. STEERE said he had listened with great attention to the remarks which had fallen from the hon. gentleman, and with him he quite concurred that it was absolutely necessary that some immediate steps be taken with the view of obtaining a suitable class of immigrants, for whom the demand was greatly in excess of the supply, and was daily increasing. He did not believe that any inducements we could offer in the shape of land orders would ever divert a tributary of the great and incessantly-flowing stream of immigration from the Mother Country to our shores. Other countries were in a position to offer much more inducements of that kind than we could hope to offer; but something must be done, and the question was, what that something ought to be. So impressed was he himself with the necessity and paramount importance of inducing immigration to this colony that he considered the subject ought to be the first and foremost the House ought to consider. Without population the country would never prosper. How would the public works which it was proposed to inaugurate be carried on without a supply of laborers? If the railway which it was proposed to construct in the north be undertaken, where are the workmen to construct it to come from? If our mines are about to be developed, where are the miners to work them? These are pertinent questions, and the only answer that could be made to them was that we would have to look somewhere beyond the boundaries of this colony for the supply of labor necessary to carry on such undertakings. Here, at any rate, that labor could not be had; the demand for agricultural servants was far in excess of the supply, and tended considerably to cripple farming operations. Then, the difficulty of procuring domestic servants was a crying evil, and one which ought to be remedied without delay. Any sum of money that the colony could afford to devote to immigration purposes would be money well spent, and he would vote in favour of a considerable sum being appropriated for that purpose. The cost of passage from England to this colony he believed to be £16 per head; 200 immigrants at that price would necessitate an expenditure of £3,200, and he was quite prepared to support a vote to that extent.

Mr. MONGER supported the proposition of the hon. member for Wellington, and contended that some steps should at once be

taken to arrest the flow of immigration from this colony.

The SURVEYOR GENERAL (Hon. M. Fraser) said the reason men left this colony for the other colonies was, that there they could obtain higher wages than rule here, and live quite as cheaply. Had we any extensive public works in course of construction, and were the thousand and one industries, to which this colony is adapted, developed, there would soon be an end to the departure of immigrants from this colony to the neighbouring provinces. At present we offered very little inducements to attract immigrants here; and when they did come, we did not offer much inducement for them to remain. Consequently it was only those who were compelled by force of circumstances to remain, did so. In all countries possessed of forced labor, the result was the same; free and forced labor would not work well together. Now, here, so far as this colony is concerned, the latter system was gradually dying out; we had arrived at its tail end, and we would have to prepare ourselves for a different order of things. Free labor would supersede forced labor, and the colony would have to submit to the necessity of paying for a free class of labor at the same rate as it was paid for elsewhere. He had recently travelled through the eastern districts of this colony, and judging from what he had there seen of the labor which this colony can boast of, he had no hesitation in stating that he would prefer one Victorian or New Zealand laborer to three or four Western Australian.

The SPEAKER said the Colonial Secretary in submitting the resolution before the House, had introduced one of the most important questions that had been brought under the consideration of the Council during the present session. He would have preferred seeing £10,000 provided for in the Loan Bill for immigration purposes, than the large sum which it was proposed to raise for the construction of a railway in the north. He was prepared to support any liberal scheme of immigration which would be brought before the House, believing as he did in the crying necessity for augmenting our population by some other means than the natural law of increase. Whatever difficulties lay in the way of any general system of immigration, it was universally admitted that a moderate influx of respectable female domestic servants would be an un-mixed good.

Mr. DEMPSTER and Mr. BICKLEY spoke in favor of liberalising the existing regulations in regard of immigrants.

Mr. PADBURY said that before we could ever induce immigrants to remain amongst us, our rates of wages would have to be placed on a par with the rates ruling in the other colonies, where the laborer, as a rule, is much better paid than here. But while on the one hand he is paid better than our own, his labor, on the other hand, is of much greater value than what is to be obtained from the laboring class in this colony. One man, who in the other colonies obtains 6s. a day, will perform more work than two men who are here paid 4s. a day. When he was in Tasmania recently a batch of navvies had just arrived there from England, the agreement between them and their employers being that they were to receive wages at the rate of 5s. a day. What was the result? No sooner had they landed than they heard of the wages offered in the neighbouring colonies to men of their class, and they all struck for wages, and most of them migrated to where they could obtain 7s. a day. His visit to the other colonies, however, had proved to him one thing namely, that all who left Western Australia to go there did not better their circumstances. He had met several persons there, whom he had known in this colony 20 years ago, and their unanimous verdict was, that had they remained in Western Australia, and worked as they had done where they now are, and endured the privations which they have endured in the other colonies, they would have been better off at this day than they are at present. All who left this colony, then, did not improve their circumstances and worldly position.

Mr. MARMION expressed himself in favor of introducing continental laborers, vigneron and others, who had been accustomed to industries which might be profitably developed in this colony.

After some observations from Mr. LOGUE, in favor of a more liberal scheme of immigration, and from Mr. BICKLEY, as to the appointment of an immigration agent in England—an official which he estimated would cost the colony at least £1,000 a year—

The COLONIAL SECRETARY (Hon. F. P. Barlee) rose to offer a few observations on the remarks, the very practical remarks he might add, which had fallen from hon. members on either side of the House on the subject under discussion. The hon. member for Wellington had suggested that the sum of £3,200 be placed on the Estimates for immigration purposes, with the view of defraying the cost of passage of 200 immigrants at the cost of £16 per head. He would remind the hon. gentleman that although the rate of passage money might be as he stated, there were other inci-

dental expenses which would have to be considered in connection with the embarkation of the number of immigrants which he proposed to introduce. There would be agency charges to pay at Home, and shipping expenses, and there would be the further expense upon the arrival of the immigrants in this colony prior to their securing employment, which would increase the amount necessary to defray the cost of introducing 200 immigrants from England to at least £4,000. It would also have to be borne in mind, that when a vessel was chartered, and the charterers did not make up a whole ship-load, they would have, as a rule, to pay about 20 per cent. more than if the vessel had a full cargo. This would probably increase the cost of introducing the number of immigrants proposed by the hon. member to about £5,000. As to the question of appointing an agent for the colony in England, though there could be no doubt of the desirability of such an appointment, an agency could not, of course, be established except at very considerable expense to the colony. True, the duties of an agent for this colony would not be very onerous, but it would be necessary that he should be a gentleman whose position would entitle him to move in the same sphere as the Agents-General for the other colonies; otherwise the appointment would be calculated to do us more harm than good. Moreover, it would have to be borne in mind that if we had an agent in England, he would have to represent this colony altogether, and he would, in all probability lose the services of the Crown Agents. At one time he had been of opinion that those gentlemen—the Crown Agents—were exceedingly extravagant people, and that we could get our work done much cheaper elsewhere. But, correspondence which had subsequently taken place on that subject had induced him to change his opinion, and he now believed that the colony did not pay the Crown Agents much more than it would have to pay a private agent. He did not believe that it would be wise or judicious on the part of this colony at present to sever its connection with the Crown Agents; nor indeed to incur any heavy expenditure in the introduction of male immigrants from England. He had no doubt the inauguration of public works of any magnitude, and the development of our mines, would go a great way to induce a large number of people to immigrate hither from the neighbouring colonies at their own expense. If the effect of a railway proposed to be constructed in the north, gave the impetus to the colony which he firmly believed it would, the result would be that the laborers who must be imported to carry out that undertaking would find sufficient

inducements to settle down in the colony. The development of our mines by increased facilities for the transit of ore, and the introduction of improved means of communication along our coast, would, he felt certain, induce a considerable influx of people from the neighbouring colonies, where the highest opinion had been formed of our mineral resources; so that we may confidently anticipate an appreciable augmentation to our population from that source, and that, too, without entailing any expense upon the colony in the payment or the subsidizing of passage money. For this, and other reasons, he did not think the colony would be justified at present in incurring any very large amount of expenditure in introducing male immigrants, at any rate from England. He, however, thought it would be legitimate and judicious to devote a sum of money to the purpose of bringing out female immigrants; for there could be no doubt that the difficulty of obtaining domestic servants was rapidly assuming an aspect of considerable urgency. After some further observations, the hon. gentleman proposed that the affirmation or rejection of the resolution be postponed for a few days, so that hon. members might have an opportunity of maturing their opinions in regard of the best course to be pursued, as it was very advisable, if possible, that the action of the House in a matter of such grave importance should be unanimous.

Progress reported, and leave obtained to sit again.

TORRENS ACT.

Select Committee.

Mr. CAREY, in accordance with notice, moved that a select committee be appointed to consider the advisability of framing an Act similar to that known as the Torrens Act for the transfer of real property; such committee to consist of the Attorney General (Hon. H. Hocking), the Surveyor General (Hon. M. Fraser), Mr. Padbury, Mr. Logue, Mr. Marmion, Mr. Dempster, and the Mover.

He said that in moving for a select committee he wanted to inform the House that the Torrens Act had stood the test of 10 years in South Australia; and has been introduced in most of the Australian colonies and also Natal. He proposed to take the South Australian or Torrens Act as a basis, as that Act occupied the best legal minds of South Australia, and was complete and perfect for carrying out its object. It is a system based on registration, dispensing with deeds of conveyance and lawyers' fees. The plan of single transfers works well and prevents complication; the title deeds of an estate, consisting

of a few lines, not more difficult to understand than the promise to pay on a bank note, the real title being in the Government Register. It is to the interest of all that land should be dealt with as freely as personal property. Under the Torrens Act land becomes as easy of sale as the animals that feed on it.

Mr. DEMPSTER seconded the motion, which, after a desultory conversational discussion, was affirmed.

Question put and passed.

DEPARTMENTAL EXPENDITURE.

Select Committee.

Mr. LOGUE moved that the names of Mr. Padbury and Mr. Carey be added to the select committee appointed to consider and report upon the necessity of reducing Government departmental expenditure.

The COLONIAL SECRETARY (Hon. F. P. Barlee) rose to order and referred to the ruling of the Speaker on the previous day, that a question having been once decided by vote in the Council could not again be brought forward in the same session. He pointed out that, in his opinion, a motion having been made that certain persons should be appointed on a select committee and a member having claimed that such committee be chosen by ballot, the original motion was negatived, by the names of the members now sought to be added to the committee being formally rejected, and he contended that it was out of order to move that their names should subsequently be added to the select committee.

The SPEAKER ruled that the names of the members now proposed had not been formally rejected; the committee had been appointed by ballot, pursuant to Standing Order 69, which did not take away the power of the House to afterwards add to the number of the committee, and therefore the motion was in order.

Question put, "That leave be given to add the names of Mr. Carey and Mr. Padbury to the select committee," upon which a division was called for, the result being as follows:—

| | |
|--------------|----|
| Ayes | 10 |
| Noes | 5 |
| Majority for | 5 |

Ayes.
 Sir Thomas Cockburn-
 Campbell
 Mr. Penrose
 Mr. Hassell
 Mr. Marmion
 Mr. Steere
 Mr. Padbury
 Mr. Carey
 Mr. Dempster
 Mr. Monger
 Mr. Logue (Teller.)

Noes.
 The Hon. H. H. Hocking
 The Hon. M. Fraser
 Mr. Bickley
 Mr. Bussell
 The Hon. F. P. Barlee
 (Teller.)

Question thus passed.

SUSSEX ROADS BOARD.

In Committee.

Mr. CAREY, in accordance with notice, moved and strenuously supported his proposal that an humble Address be presented to His Excellency the Governor praying that he will be pleased to place on the Estimates a sum not exceeding £150, to enable the Sussex Roads Board to erect bridges over the Ludlow, Abba, and Sabina Rivers, on the new and main southern line of road between Bunbury and Busselton.

The motion was also supported by the SPEAKER, Mr. STEERE, the SURVEYOR GENERAL (Hon. M. Fraser), and Mr. DEMPSTER.

Question put and passed.

The Council adjourned at 4 p.m.

LEGISLATIVE COUNCIL,
 Wednesday, 9th July, 1873.

Petition by Mr. James Manning—Private Bill Petition—Seamen Employed in Coasting Vessels.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

PETITION BY MR. JAMES MANNING.

Mr. MARMION presented a petition from Mr. James Manning, late clerk of works of the Convict Department, praying the Council to request His Excellency the Governor to make some recognition of his services to the colonial Government.

The petition was received and read by the Clerk.

PRIVATE BILL PETITION.

The ATTORNEY GENERAL (Hon. H. H. Hocking) presented a petition from the Right Reverend M. B. Hale, D. D., Lord Bishop of Perth, W.A., praying the Council to receive

and pass a private Bill relating to the temporal affairs of the Church of England; and also handed to the Clerk the certificate required by Standing Order 109, and copies of the *Government Gazette* containing the notice required by Standing Order 106.

The petition was received and read by the Clerk.

SEAMEN EMPLOYED IN COASTING VESSELS.

Mr. MARMION, in accordance with notice, asked the Attorney General under what Ordinance seamen employed in the coasting vessels of the colony should be dealt with in the courts of the colony.

The ATTORNEY GENERAL (Hon. H. H. Hocking) replied that in his opinion the Masters and Servants Act applied in all such cases relating to the enforcement of the rights of masters against seamen on the one hand, and of seamen against masters on the other, where the Merchant Shipping Act did not apply; and that the Merchant Shipping Act, so far as Western Australian coastal vessels were concerned, applied to Western Australian registered ships only when out of the jurisdiction of the Government of Western Australia.

The Council adjourned at 6.40 p.m.

LEGISLATIVE COUNCIL, Thursday, 10th July, 1873.

Gold Prospecting: in committee—Contracts under Loan Act, 1872—Sericulture: in committee—Colonial Exhibition at South Kensington: in committee—Model Farm: in committee—Public Works Loan Bill: in committee—Third Readings.

The SPEAKER took the Chair at 12 noon.
PRAYERS.

GOLD PROSPECTING.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee): The resolution I have now to ask the House to affirm is as follows:—That it is desirable to offer inducements for practical miners from the eastern colonies to prospect the colony for gold and other metals, and to import machinery by which the value of the numerous quartz reefs already known may be thoroughly tested. On more than one occasion

when I have brought this question before the House I have not been successful in carrying a vote of the House for the purpose; but I hope and believe that this session my efforts will be crowned with success. I think that, with the information before us, few hon. members can doubt that gold does exist, and probably in payable quantities, in many parts of this colony, and that various other metals abound in places of which we possess no knowledge at present. Nor are we ever likely to increase our knowledge unless we secure the services of competent persons to prosecute the search. But in regard of gold we are perfectly well aware that it has been found—I won't say in payable quantities—in various parts of the country; between here and Albany, in the north, at the Serpentine, and in other localities; and a very general opinion prevails not only here but in the other colonies, that we possess metals that would well pay the working of them, and that if proper means were taken to develop our mineral wealth, the result would produce a wonderful revolution in the colony. In addition to previous information we possessed on the subject we have had placed on the Table of this House within the last few days a very able report from Mr. Brown, who was lately employed here as Government Geologist, and who made a geological survey of the colony. In the report now before the House he gives a general resume of his proceedings during the two years he was employed here; and he speaks of many places in the colony where he believes it would be exceedingly desirable to prospect for gold. He is very cautious in all the observations he makes throughout his report, but he assigns as his principal reason for arriving at the conclusion that gold exists in the colony, the fact that the rocks and soil in the localities he speaks of are identical with the works and soil of those portions of Victoria which are auriferous. In his private letters, and in conversation with myself and others, when perhaps he has not been so cautious in his expressions as in a formal report, Mr. Brown has expressed a strong opinion that gold will be found in payable quantities in this country, and he thinks it would be a very good move on the part of the colony to cause the country to be prospected for that purpose. I have specially alluded to his opinion because in one instance that opinion has been backed out by the practical opinion of miners who have been for many years engaged in searching for gold in the Eastern Colonies. Only a few months ago a large number of people went away from Victoria and South Australia to prospect for gold at the northern territory of Port Darwin, where strong indications of the existence of gold and