

Preamble agreed to.
 Title agreed to.
 Bill reported, with amendments.

PUBLIC WORKS LOAN 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 4 p.m.

LEGISLATIVE COUNCIL, Wednesday, 16th July, 1873.

Memorial of Mr. James Manning: motion for committee stage: in committee—Supreme Court resolutions: Speaker's ruling—Petition of Chairman of City Band of Hope and Temperance League: in committee—Increase of Members in Legislative Council Bill: in committee—Wines, Beer and Spirit Sale Act, 1872, Amendment Bill: third reading.

The SPEAKER took the Chair at 6 p.m.
 PRAYERS.

MEMORIAL OF MR. JAMES MANNING.

Motion for Committee Stage.

Mr. MARMION, in accordance with notice, moved that the House do resolve itself into a Committee of the whole, to consider the prayer contained in the memorial of Mr. James Manning.

Question put and passed.

In Committee.

Debate ensued.

Mr. MARMION moved that an humble Address be presented to His Excellency the Governor, praying that he will be pleased to grant to Mr. James Manning the sum of £150, in recognition of the services rendered by him to the colony.

Question put and passed.

SUPREME COURT.

Resolutions.

The COLONIAL SECRETARY (Hon. F. P. Barlee) in accordance with notice, rose to move the following resolutions:—

1.—That in the opinion of this Council any Bill affecting the constitution or regulation of the Supreme Court should

make provision for the appointment of two Puisne Judges, and for the constitution of a Court of Appeal.

2.—That in the opinion of this Council such an arrangement would not only be satisfactory in its nature but it would enhance the dignity and authority of the Supreme Court of Judicature, which it is the desire of this Council and the interest of Her Majesty's subjects in this Colony to uphold.

3.—That any Bill affecting the constitution of the Supreme Court or regulating it, should be prepared after mature consideration, and with the aid of the best obtainable advice, and should be brought forward by the Government or by the accepted leader of a party avowedly ready to take office as Responsible Minister.

4.—That this Council, having regard to its own self-respect and dignity, declines to consider a Bill the sole result of which would be either to debar one learned gentleman from the legitimate exercise of his profession in this Colony, or, as an alternative, to oblige The Chief Justice to resign, no charge or imputation upon either of those gentlemen having been ever made or investigated.

Mr. LOGUE rose to a point of order. The resolutions which it was proposed to move referred to a Bill, the second reading of which had been made an order of the day for the following Friday, and it was not competent for the House to take into its consideration any resolutions relating to the Bill at an earlier date. This rule was clearly laid down in pages 246, 454, and 457 of May's Parliamentary Practise, and he contended that the hon. gentleman would only be in order in moving his resolutions on the second reading of the Supreme Court Ordinance Amendment Bill. If he (Mr. Logue) rightly understood the drift of the resolutions, they were, in effect, that no hon. gentleman in the House, except a member of the Government, should be allowed to introduce a Bill affecting the constitution of the Supreme Court or regulating it, or any measure of such a nature; but Sir Robert Peel, in 1844, averred that individual and private members of Parliament had a right to introduce such measures as they thought fit, without the consent of the Government. The hon. member quoted several precedents where this had been done, and concluded by submitting that the hon. the Colonial Secretary was not in order in then moving the resolutions which stood in his name.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said if it had been his intention to discuss the Bill which was the order of the day for the second reading on Friday, the hon. member would have been quite justified in calling him to order; but his desire was exactly to the contrary, and he sought to prevent any discussion, either now or then, on the matter. He, therefore, contended that he was quite in order when moving the resolutions which appeared in his name.

The SPEAKER: Do you wish me to rule so?

The COLONIAL SECRETARY (Hon. F. P. Barlee): Your honor must so rule.

Speaker's Rulings.

The SPEAKER: I rule that it is out of order to move these resolutions at present. The proper time to bring them forward will be on the second reading of the Bill, which the House has fixed shall take place on Friday, when, in accordance with parliamentary practise, it will be competent for the hon. gentleman, if he chooses, to move as an amendment that the Bill be read that day six months.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he had nothing to do with the Bill at present, nor did he intend to allude to it. He was perfectly well aware that the time to move an amendment on the motion for its second reading would be when that motion was made, and he might have to do that when that time arrived. At present, however, he did not contemplate any reference to the Bill at all, and he, therefore, while submitting to the ruling of his honor the Speaker, yet contended that he had not been out of order in submitting his resolutions to the House.

Mr. STEERE intimated that if the resolutions were put to the House, and they were affirmed, they would supersede the Bill.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he was prepared with very cogent reasons why the Bill should not be discussed at all by the House, having regard to its own self respect and dignity.

Mr. LOGUE: Then, the intention of the hon. gentleman is to do away with the discussion of an order of the day which this House has already fixed for discussion.

The COLONIAL SECRETARY (Hon. F. P. Barlee) reiterated the statement that he had no intention to allude to the Bill in any way.

The ATTORNEY GENERAL (Hon. H. H. Hocking) submitted that the resolutions merely sought the affirmation of a general principle, and they had no reference whatever

to any particular Bill. He, therefore, contended that they were not out of order.

The SPEAKER said the first, third, and fourth resolutions evidently alluded to the Bill, which had been ordered for the second reading on Friday.

The COLONIAL SECRETARY (Hon. F. P. Barlee) denied that they did; nor had he any intention whatever that they should have reference to any particular Bill.

The SPEAKER: Does not clause 4 clearly allude to that Bill?

The COLONIAL SECRETARY (Hon. F. P. Barlee): No.

The SPEAKER: I rule otherwise. I see no reason to change my opinion in any shape or way; the House having appointed a day for the second reading of a Bill, it is not competent for any hon. member at an earlier date to introduce any resolutions affecting it.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he had told the House exactly what his intentions were in bringing forward the resolutions, and that he intended in no way to allude to any Bill which had been submitted for the consideration of the House. He would say no more. He was quite aware that he must be guided by the ruling of his honor the Speaker.

The SPEAKER said it would be quite competent for the hon. gentleman, on the motion for the second reading of the Bill being read, to move as an amendment that the Bill be read that day six months, or to submit his resolution then for the consideration of the House in the form of an amendment upon the motion for second reading.

The resolutions lapsed.

PETITION OF CHAIRMAN OF CITY BAND OF HOPE AND TEMPERANCE LEAGUE.

In Committee.

Mr. PADBURY, with leave, withdrew consideration of the petition.

Progress reported, and leave obtained to sit again.

INCREASE OF MEMBERS IN LEGISLATIVE COUNCIL BILL.

In Committee.

Resumed debate.

After some discussion had ensued on the existing practice of voting by proxy, and no definite conclusions being arrived at, Mr. STEERE moved that progress be reported, and that the Chairman ask leave for the Committee to sit again on Monday, when hon.

members would be better prepared to discuss the matter, and some effectual means of regulating the existing practice, so as to prevent its abuse, might be arrived at.

Progress reported, and leave obtained to sit again.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT 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 7.35 p.m.

LEGISLATIVE COUNCIL,

Thursday, 17th July, 1873.

Religious Bodies (Church of England) Bill: select committee report.—Scab Act: select committee.—Local Revenues in Northern District Bill: in committee.—Pearl Shell Fishery Regulation Bill: in committee.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

RELIGIOUS BODIES (CHURCH OF ENGLAND) BILL.

Select Committee Report.

The ATTORNEY GENERAL (Hon. H. H. Hocking) brought up the report of the select committee appointed to consider a Bill intituled "An Act to repeal two Ordinances intituled respectively 'An Ordinance to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in Western Australia,' and 'An Ordinance to amend An Ordinance intituled an Ordinance to regulate the Temporal Affairs of Churches and Chapels of the United Church of England and Ireland in Western Australia.'" "

He said the committee believed that there appeared to be no objection to the adoption of the measure.

The report was received and read and then adopted.

SCAB ACT.

Select Committee.

Mr. DEMPSTER, in accordance with notice, moved for a select committee to take into consideration the Scab Act now in force, and to make such alterations as may be deemed necessary; such committee to consist of Mr. Steere, Mr. Padbury, Mr. Hassell, Mr. Carey, and the Mover, and, with leave, he added the names of the Attorney General (Hon. H. H. Hocking), and Mr. Logue.

Question put and passed.

LOCAL REVENUES IN NORTHERN DISTRICT BILL.

In Committee.

Resumed debate.

New clause 9—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that new clause 9 be struck out and the following inserted in lieu:—

From and after the first day of September next after the passing of this Act, an export duty or charge of Forty shillings shall be due and payable upon and in respect of every ton of pearl shells exported from any place within to any place beyond the limits of this Colony. Provided, always, that no such duty or charge shall be payable in respect of the small pearl shells from Shark's Bay. Any person exporting or attempting to export pearl shells from any place within to any place beyond the limits of this Colony, without having paid the said duty or charge, shall be liable to a penalty, to be recovered in a summary manner before two Justices of the Peace, not exceeding One hundred pounds, in addition to the forfeiture of the pearl shells.

Amendment agreed to.

Clause, as amended, agreed to.

New clause 10—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following words stand as clause 10 of the Bill:—

That pearl shells forfeited under the provisions of this Act shall and may be seized, secured, retained, claimed, adjudicated upon, determined and disposed of under such of the provisions of "The Customs Ordinance, 1860" as are applicable to the seizure and recovery of forfeitures under that last named Ordinance.

New clause agreed to.