

here who would merely make this colony a stepping-stone to reach our more attractive neighbors. He concurred with the hon. member for York that no refund should be required for short residence, and deprecated any attempt being made by the Government of this colony—in accordance with the recommendations embodied in the report—to kidnap, so to speak, European people imported to the neighboring colonies at public expense.

Mr. LOGUE generally concurred with what had fallen from the Colonial Secretary.

Mr. PADBURY suggested that as the Hon. the Speaker intended proceeding to England at an early date he be empowered to treat with the Imperial Government with regard to the immigrants the Mother Country owes us, in accordance with the terms of the bargain entered into when this colony consented to become the receptacle for British convicts.

Mr. MARMION recommended the appointment of a paid agent at Home, to represent the colony. He had no faith in the patriotic exertions of old colonists, of which they heard so much in connection with the selection and deportation of a suitable class of emigrants from the Mother Country. As he understood that it was the intention of the Colonial Secretary to submit certain resolutions as an amendment upon the report, he would move the adjournment of the debate until Monday.

Progress reported, and leave obtained to sit again.

The Council adjourned at 4.15 p.m.

LEGISLATIVE COUNCIL,

Friday, 24th July, 1874.

Chairman of Committees—Stipend of Resident Medical Officer, Murray District: in committee—Perth City Council Bill: in committee—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: select committee report: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

CHAIRMAN OF COMMITTEES.

The SPEAKER announced that he had received a letter from Mr. Carey, Chairman of Committees, stating that he was unable to attend through illness.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that during the temporary absence of Mr. Carey, the Speaker be elected Chairman of Committees.

Question put and passed.

STIPEND OF RESIDENT MEDICAL OFFICER, MURRAY DISTRICT.

In Committee.

Mr. HAMERSLEY moved that an humble petition be presented to His Excellency the Governor praying that the sum of £100 be placed on the Estimates as salary for the medical officer at the Murray, instead of £50 as at present.

The consideration of the motion was postponed until the Estimates come on for discussion.

PERTH CITY COUNCIL BILL.

In Committee.

Resumed debate, after reprinting.

Clauses 1 and 2 agreed to.

Clause 3: Where any land is required for the purposes of this Act, the Council are hereby empowered to agree with the owner or owners of such land for the absolute purchase thereof for such consideration as the parties shall think proper—

Mr. BURT thought it would be inadvisable to give a corporation power to purchase land for any consideration it might think proper, but that such consideration should be in money only. This was the case with railway companies in England. He would therefore move that in lieu of the words "for such consideration as the parties shall think proper," the words "for a consideration in money as the parties shall think proper" be inserted.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) pointed out that the clause as it stood did not exclude pecuniary consideration, and proceeded to show how it might be desirable in certain cases to empower the corporation to purchase, by mutual agreement, for considerations other than money.

Mr. BURT withdrew his amendment.

Clause agreed to.

Clauses 4 to 12 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, without amendment.

WINES, BEER, AND SPIRIT SALE ACT,
1872, AMENDMENT BILL.

Select Committee Report: In Committee.

Mr. MARMION said the committee had recommended that clause 4 of the Bill—"Debts for liquor not recoverable by innkeepers unless contracted for £1 or upwards"—should be struck out as a very objectionable clause, and said it would be more preferable to return to the old system where no action for the recovery of a tipping score could be maintained by a publican at all. He failed to see, however, why a licensed victualler should not be allowed to recover a debt in a court of law in the same manner as any other trader. He saw no difference between a man entering a public house in his sober senses and ordering a glass of beer or brandy which he was unable to pay for, and a person entering a baker's shop and ordering a loaf; yet the baker would be able to maintain an action at law, while the publican, who paid a large sum for his license, and was liable to be mulcted in heavy penalties, had no such remedy. He was aware that one of the main objections to placing the licensed victualler on the same footing as other traders was that an unprincipled publican might induce a drunken man to run up a score which he would not be inclined to do in his sober senses. But he would direct attention to the 41st clause of the existing Act, which provided a penalty for supplying any liquor to a person in a state of intoxication. The other recommendations of the committee had reference to regulating the application for a packet license, for which no provision was made in the existing enactment, and to the absurd provision necessitating all licensed persons under the Act,—merchants holding gallon licenses included—to affix to the front door of their premises a notice of application for a license, which notice had also to be advertised in two local newspapers. Surely the latter provision afforded ample publicity without resorting to the ridiculous condition alluded to, especially in the case of merchants.

The COLONIAL SECRETARY (Hon. F. P. Barlee) contended that that provision was already made, in the Act now in force, for regulating the application for packet licenses, and enumerated the various clauses bearing on the point. As to the affixing of notices on the doors of persons applying for licenses under the Act, that matter had received every consideration when the measure was considered in committee and it was agreed by a majority of the House that this condition should be insisted upon, in addition to inserting the notice in a newspaper. Possibly the newspaper notice might never come under the

eye of the applicant's next-door neighbors, or persons otherwise affected by the granting or the refusal of a license to a public house in the vicinity of their place of residence. The same condition had to be complied with in Victoria, and assuredly it could not be deemed an unreasonable or very troublesome demand, merely to affix a bit of paper on the door of the premises for which a license was sought. With regard to the recommendation of the committee that such an amendment be made in section 51 of the existing Act as shall constitute "any subsequent offence" within the meaning of that clause—selling liquor on Sundays, Good Friday, or Christmas Day—to be an offence committed during the currency of the license held for the same year in which the first offence was committed; with regard to this recommendation he could only say that the clause was made as stringent as possible at the request of the licensed victuallers themselves, and it received the most careful consideration when the Bill was discussed in committee.

Mr. BURT considered the fourth clause of the Amendment Act,—providing that debts for liquor should not be recoverable by an action at law unless contracted for 20s. at one time—a most mischievous clause, holding out a direct inducement to a landlord to increase a tipping score so as to bring it within an actionable amount. He maintained there were no provisions in the existing enactment regulating the application for packet licenses, and in support of his contention referred to the 16th clause, having references to the mode of applying for licenses. The conditions there are, that the applicant for a license under that Act shall, in addition to applying for a certificate from a Resident or Police Magistrate, affix on the front door of the premises for which such license is applied a notice in writing. Now, he would ask where was the front door of the *Georgette*, for instance (laughter); and what was the use of affixing a notice thereon so that the mail-packet's next-door neighbor should see it? Who was the *Georgette's* next-door neighbor? (Laughter.)

Mr. LOGUE: "Puffing Billy." (Renewed laughter.)

Mr. CROWTHER: The Dredge. (More laughter.)

Mr. BURT: That being the case, he contended that no provision was made in the Act for regulating the application for packet licenses, and he agreed with the recommendation of the committee that provision should be made for that purpose in the Bill before the House. As to the 56th clause he considered it too severe altogether.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said the object the framers of the Bill had in view was to suppress, as far as possible, by legal enactment, that curse of the colony—drunkenness, by checking the sale of intoxicating liquors, and this could only be done by very stringent regulations and exceptional legislation. It must be within the knowledge of every hon. member how easy it was for a publican to run up fictitious tipping-scores against a dissolute customer; those sort of accounts were generally kept on a principle of more than double entry; and as to the clause (alluded to by the hon. member for Fremantle, Mr. Marmion) prohibiting a publican, under a penalty, from supplying liquor to intoxicated persons, everybody knew how religiously that clause was observed (laughter). Why, they might as well plaster over the doors of public-houses some scriptural injunction, such as "Little children, love one another," which would have just as much effect as the clause alluded to in preventing publicans from supplying liquor to intoxicated persons. (Renewed laughter.) As to the 16th clause referred to by the hon. member Mr. Burt, relating to the mode of applying for licenses it was perfectly clear that clause was not intended to regulate the application for packet licenses. With regard to the severe penalty for a second conviction under the 56th clause, "any subsequent offence" would, of course, be an offence knowingly committed, and not a breach of the enactment through inadvertence. As to the fourth clause in the Bill, recommended by the select committee to be struck out as an unnecessary and objectionable clause, he considered it highly expedient, and thought the operation of the law as at present most obnoxious to the community generally. He would therefore oppose the adoption of the report.

Mr. CROWTHER would support the motion before the House. He did not think publicans were so fond of giving credit, and of allowing their customers to run up tipping-scores, as the Hon. the Acting Attorney General imagined. If the hon. gentleman were to disguise himself, and attempt it, he would find it was not such an easy matter as he seemed to think. He (Mr. Crowther) denied the impeachment that publicans were not quite as respectable and honest a body of men as any other class of traders, and he saw no reason why they should not be in a position to maintain an action at law for recovering debts owing to them, as well as other persons. If a man went to a gallon license-holder and contracted a debt for a gallon of spirits, he could be made to pay for it, and he failed to

conceive why a licensed victualler should not have the same privilege as the gallon license-holder.

Mr. LOGUE concurred.

Mr. STEERE supported the adoption of the report.

Mr. MARMION regretted that the Acting Attorney General should have given utterance to what must be regarded as libel upon the publicans of the colony. As a body, the licensed victuallers of this colony were quite as respectable and estimable a class as any other body of traders. Of course there were exceptions; there were black sheep in every flock; but the majority of publicans were as honest as any class in the colony.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake), in deference to the hon. member, was bound to say that his (Mr. Leake's) remarks were libels upon the general class of publicans, but not upon the exception.

After some further observations from Mr. PADBURY, Mr. BIRCH, and other hon. members, the question—That the report of the select committee be adopted, was put to the House, and affirmed.

In Committee.

Clauses 1 to 3 agreed to.

Clause 4: Debts for liquor not recoverable by innkeepers unless contracted for £1 at a time—

Mr. CROWTHER moved that the clause be struck out.

Question put, "that clause 4 stand part of the Bill," upon which a division was called for, the result being as follows:—

Ayes	5
Noes	12
—	
Majority against	7

Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Steere
The Hon. M. Fraser	Mr. Logue
Mr. Glyde	Mr. Marmion
Mr. Broadhurst	Mr. Pearse
The Hon. G. W. Leake	Mr. Birch
(Teller.)	Mr. Monger
	Mr. Dempster
	Mr. Padbury
	Mr. Hammersley
	Mr. Burt
	Sir Thomas Cockburn-
	Campbell
	Mr. Crowther (Teller.)

Clause thus negatived.

Progress reported, and leave obtained to sit again.

The Council adjourned at 8.15 p.m.