

LEGISLATIVE COUNCIL,
Monday, 13th December, 1875.

Revision of Tariff: select committee—Leave of Absence—Law and Parliamentary Library—Import Duty on Wheat and Flour—Colonial Passengers' Ordinance, 1861, Amendment Bill: in committee—Closing of Streets in Perth Bill: third reading—Pearl Shell Fishery Regulation Bill: recommittal: motion for third reading—Election Petitions Bill: recommittal—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: second reading: in committee.

The ACTING SPEAKER took the Chair at 7 p.m.

PRAYERS.

REVISION OF TARIFF.

Select Committee.

Mr. HAMERSLEY, in accordance with notice, moved that a select committee be appointed to consider and report upon the tariff, with a view to its complete revision during the present session of the Legislative Council; such committee to consist of Sir Thomas Cockburn-Campbell, Mr. Steere, Mr. Crowther, Mr. Padbury, and the Mover.

Mr. SHENTON feared it was rather late to appoint such a committee at this advanced stage of the session, and he would move, as an amendment, that an humble Address be presented to His Excellency the Governor asking him to appoint a commission to consider and report upon the tariff with the view of its entire revision, during the recess, and that such report be presented to the Legislative Council at its next session.

Mr. RANDELL seconded the amendment, which was affirmed.

Motion, as amended, agreed to.

LEAVE OF ABSENCE.

Mr. STEERE, in accordance with notice, moved that leave of absence be granted to the Speaker, who is detained in quarantine at Albany.

Question put and passed.

LAW AND PARLIAMENTARY LIBRARY.

Mr. SHENTON, in accordance with notice, asked the Acting Colonial Secretary whether the sum of £50, which has been voted annually by the Council since 1872 for the purposes of the Parliamentary Library, has been expended.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that the annual vote of £50 had not been expended.

The purchase of books for the Law and Parliamentary Library had been met by the sum of £428 5s. 7d. paid by the Supreme Court into the Treasury under the provisions of 37th Victoria, No. 15.

IMPORT DUTY ON WHEAT AND FLOUR.

Mr. CROWTHER, with leave, withdrew the notice of motion that it was desirable that wheat, which was now subject to a specific duty of 6d. per bushel be placed on the free list; and that flour, which now stands on the free list, be subject to a specific duty of £2 a ton; and that an humble Address be presented to His Excellency the Governor, praying that he will cause a Bill to be introduced to give effect to the vote of the House.

Motion, by leave, withdrawn.

COLONIAL PASSENGERS'
ORDINANCE, 1861,
AMENDMENT BILL.

In Committee.

Resumed debate.

Clause 2—

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that its provisions apply only to vessels, carrying passengers, on any voyage beyond Cape Naturaliste to the south, or beyond the North-west Cape to the north.

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that after the word "sea", in the sixth line, the words "on any such voyage as aforesaid" be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3—

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that after the word "sea," in the first line, the words "on any such voyage as aforesaid" be inserted; and in the sixth line, after the word "sea," the words "on any such voyage as aforesaid" be inserted.

Amendments agreed to.

Mr. BICKLEY moved that clause 3—relating to vessels carrying a chronometer on board—be struck out, for the reasons already adduced when the Bill was originally considered in Committee.

After an animated discussion,

Amendment not agreed to.

Clause, as amended, agreed to.

Clause 4—

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy), in reply to a question whether or not the present Harbor Master held a certificate of competency entitling him to sit as president of the Board of Examiners, said that that official held a first-class master's certificate.

Clause agreed to.

Clause 5: This Act shall come into operation on the 1st April next—

Mr. RANDELL moved, as an amendment, that the Act should not come into force until the 1st August, so as to afford time and opportunity for the owners of vessels to obtain the required chronometer.

Amendment agreed to.

Clause, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

CLOSING OF STREETS IN PERTH BILL.

Third Reading.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

PEARL SHELL FISHERY REGULATION BILL.

Recommittal.

The Bill was recommitted on the motion of Mr. STEERE with the view of modifying certain clauses, including one empowering the Governor to proclaim regulations independently of the Legislature.

In Committee.

Clause 3—

Mr. STEERE moved the addition of the following words to clause 3, which provides that the regulations shall be published in the *Government Gazette*:—"Provided always that a copy of such regulations be laid on the table of the Legislative Council within ten days after [sic] the then next session of the said Council, and shall continue in force and have full effect unless disallowed by a resolution of such Council, which disallowance shall also be published in the *Government Gazette*."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 5—

Mr. BURT moved that the first six lines of the clause and the first five words of the seventh line be struck out, and the following words inserted in lieu: No master of any ship or vessel or any other person shall carry to sea or employ any Aboriginal native of the said colony in the pearl shell fishery, except he shall have entered into a separate written agreement with him and have the same endorsed as in the said recited Act mentioned. Any such master or other person who shall carry to sea or employ any such Aboriginal native as aforesaid, without having entered into such agreement and having the same endorsed as in the said recited Act mentioned, shall be guilty of an offence, and every such offence shall be cognizable by any two justices of this colony, who shall, on proof thereof, inflict upon the offender a fine or penalty not exceeding ten pounds."

Amendment agreed to.

Mr. BURT moved that the words "this Act," in the 10th line, be struck out, and the words "the said recited Act" inserted in lieu; that the words "this Act," in the 15th and 16th lines, be struck out, and the words "the said recited Act" inserted in lieu; and to strike out the words "this Act," in the last line, and insert the words "the said recited Act" in lieu.

Amendments agreed to.

Clause, as amended, agreed to.

New clause—

Mr. BURT moved that the following stand as clause 6:—

Section 3 of the Pearl Shell Fishery Regulation Act, 1873 shall be and the same is hereby repealed.

New clause agreed to.

Bill again reported, with further amendments.

Motion for Third Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved that the third reading be made an order of the day for Tuesday, the 14th December.

Mr. RANDELL moved, as an amendment, that the Bill be reprinted with a view of incorporating therein the various amendments made in Committee.

Amendment agreed to.

ELECTION PETITIONS BILL.

Recommittal.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be recommitted for the further consideration of clause 3.

In Committee.

Clause 3—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following words be added to subclause (3): "provided always that in the case of the northern district, the above period shall be extended to sixty days."

Amendment agreed to.

Clause, as amended, agreed to.

Bill again reported, with a further amendment.

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

Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) in moving the second reading of a Bill to further amend The Wines, Beer, and Spirit Sale Act, 1872, said that the main object of the Government in introducing the Bill was to place further check on habits of intemperance, by rendering more stringent the existing law as regards the supplying of liquor to persons in a state of intoxication, and with respect to sly-grog selling. Having briefly explained the various provisions of the measure, the hon. gentleman moved that it be read a second time.

The Bill was read a second time.

In Committee.

Clause 1 agreed to.

Clause 2: Repeals the proviso at the end of the 22nd section of the existing Licensing Act, and thereby disqualifies any justice of the peace, or other person, making wine from grapes of his own growth, or selling such wine, from sitting on a licensing bench, or joining in any conviction, or in the consideration or determination of any appeal under that Act—

Mr. BROWN said that as the clause was invidious and a slur upon the honor of the Justices of the Peace sought to be disqualified, he would move that the clause be struck out.

Mr. T. BURGESS seconded the amendment and agreed with what Mr. Brown had said.

After a somewhat lively discussion,

Amendment put, "that the clause be struck out," upon which a division was called for, the result being as follows:—

Ayes	6
Noes	13
Majority against	7

Ayes.
Mr. Hamersley
Mr. Marmion
Mr. T. Burgess
Mr. Pearce
Mr. Crowther
Mr. Brown (Teller.)

Noes.
Mr. Steere
The Hon. H. H. Hocking
The Hon. M. Fraser
Mr. Burt
Mr. W. Burgess
Mr. Bickley
Mr. Shenton
Mr. Padbury
Mr. Gale
Mr. Monger
Mr. Glyde
Mr. Randell
The Hon. A. O'Grady
Lefroy (Teller.)

Amendment thus negatived.

Clause agreed to.

Clause 3 agreed to.

Clause 4: If any person is found in a licensed house, or coming out of any licensed house in a state of intoxication, the holder of the license by which such house is licensed shall be guilty of an offence, and on conviction thereof in a summary manner before two justices of the peace shall forfeit and pay any sum not exceeding £5, unless he shall prove to the satisfaction of the justices that such person came into the said house in a state of intoxication, and that he had refused, in consequence, to allow him to remain therein, or to be supplied with liquor—

Mr. BROWN opposed the clause, contending that, if the police did but perform their duty as they ought to do, the 41st section of the existing Act, which provides a penalty for supplying liquor to intoxicated persons, amply met the case. Moreover, the clause was a violation of one of the fundamental principles of the British law, inasmuch as it rendered it incumbent on an accused person to prove his own innocence.

Mr. CROWTHER concurred, and characterised the clause as arbitrary and vexatious in the extreme.

The ATTORNEY GENERAL (Hon. H. H. Hocking) and the SURVEYOR GENERAL (Hon. M. Fraser) defended the clause, contending that without some such stringent provision, affecting the publicans themselves, no check would be put on those habits of intemperance which are the bane and the curse of the community.

A very animated discussion ensued, in which nearly every hon. member in the House took part, the majority being decidedly opposed to the provisions of the clause, deeming them harsh, unjust, harassing, and arbitrary. The feeling generally expressed was that the 41st section of the existing Act, which imposes a penalty of not less than £2 nor more than £5 for supplying liquor to persons in a state of intoxication, was stringent enough, provided the magistracy and the police discharged their respective duties more strictly than they do at present.

Mr. CROWTHER moved that the clause be struck out.

Amendment agreed to.

Clause 5: Empowering justices and authorizing constables to have free ingress into any licensing house coming under the existing Act—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that all words after the words "provisions of," in the first line, be struck out, and the following inserted in lieu: "Section fifty-four of the said Act shall be and the same are hereby extended to all houses, shops, or premises licensed for the sale of colonial wine, and the provisions of section sixty-five of the said Act shall be and the same are hereby extended to all houses, shops, and premises licensed for the sale of colonial wine, and to all licensed eating, board, and lodging houses."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 6—

Mr. BURT moved that the words "police constable," in the second line, be struck out, and the words, "sergeant or corporal of police" inserted in lieu.

Amendment agreed to.

Clause, as amended, agreed to.

New clause—

Mr. STEERE moved that the following stand as a new clause:—

No holder of any license shall either in his house, or on any of the appurtenances thereof, supply any liquor to any person in a state of intoxication, under a penalty for each such offence of any sum not less than £2 nor more than £5; and if any such intoxicated person remain [more than 12 hours] on such premises the holder of such license shall in each case be liable to the same penalty.

Mr. BROWN moved that progress be reported.

Question put and negatived.

New clause agreed to.

New clause—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following stand as a new clause:—

The sixty-fourth section is hereby amended by omitting therefrom the words "and of proof to the satisfaction of any justice that such person has been previously convicted of a like offence."

New clause agreed to.

New clause—

Mr. STEERE moved that the following stand as a new clause:—

Section forty-one of the Wine, Beer, and Spirit Sale Act, 1872, is hereby repealed.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

The Council adjourned at 12 midnight.

LEGISLATIVE COUNCIL, Tuesday, 14th December, 1875.

Masonic Lodge Petition—First Readings—Roman Catholic Orphanages: Message from the Governor, No. 2—Railway from Guildford to Eastern Districts—Post Office Savings Bank Ordinance Amendment Bill: second reading—Crews of Coasting Vessels Discipline Bill: second reading: in committee—Third Readings.

The ACTING SPEAKER took the Chair at 12 noon.

PRAYERS.

MASONIC LODGE PETITION.

Mr. PEARSE presented a petition from the master and wardens of the Masonic Lodge, Fremantle No. 1033, praying the Council to receive and pass a private Bill to enable the trustees of the Fremantle Lodge No. 1033, of Freemasons, to raise money on Fremantle Town Lot 870; and also handed to the Clerk the certificate required by Standing Order No. 109, and copies of the *Government Gazette* containing the notice required by Standing Order No. 106.

The petition was received and read by the Clerk.

FIRST READINGS.

The following Bills were read a first time, in accordance with notice, on motions by the Acting Colonial Secretary (Hon. A. O'Grady Lefroy): Municipal Institutions' Act, 1871, Amendment Bill and the High School Bill.

ROMAN CATHOLIC ORPHANAGES.

Message from the Governor—No. 2.

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

In communicating to the honorable the Legislative Council the accompanying correspondence between the