in improving the Resident Magistrate's quarters at Roebourne until it had been definitely determined whether that town or Port Robinson should be the seat of Government.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said the Government were quite alive to the necessity of providing improved accommodation to the Resident Magistrate at the North-West Settlement, but the question of whether Roebourne or Port Robinson should be the future seat of Government being in abeyance, he thought it would be better to postpone the consideration of the motion before the House until that question was settled. Meantime he assured the hon. member who had brought it forward that the Government fully recognised the necessity of providing better quarters for the Resident Magistrate than that officer now had.

Motion, with leave, withdrawn.

The House adjourned at half-past one o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 1st August, 1877.

Police Station on Eucla Telegraph Line—Powder Magazine at Albany—Wines, Beer, and Spirit Sale, Act, 1872, Amendment Bill, 1877—Industrial Schools Act, 1874, Amendment Bill 1877: in committee—Closing of Streets in Fremantle Bill: second reading; in committee—Third readings—Ballot Bill: further considered in committee.

THE SPEAKER took the chair at seven o'clock.

PRAYERS.

POLICE STATION ON EUCLA TELEGRAPH LINE.

SIR T. COCKBURN-CAMPBELL asked the Acting Colonial Secretary whether the Government was aware of the urgent necessity for a police station on the Eucla Telegraph Line, in the neighborhood of Israelite Bay; and whether they were prepared to take any steps in the matter.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) replied that the Government was aware that a police station in the neighborhood mentioned would be desirable, and the question would be further considered in connection with the Estimates for 1878.

POWDER MAGAZINE AT ALBANY.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Acting Colonial Secretary, whether the Government was aware of the dangerous position of the powder magazine at Albany; and whether it was their intention to take any action in the matter.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) replied that the Government was aware of the position of the powder magazine, but was not aware that the danger in connection therewith was now any greater than it had always been. It was, however, the intention of the Government to take action in the matter as soon as it could do so, in justice to other works of more urgent importance.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL, 1877.

MR. BROWN moved the second reading of a Bill to further amend "The Wines, Beer, and Spirit Sale Act, 1875." In dealing with this question he need only refer to two out of the various kinds of licenses granted under the Act, namely, that known as a publican's general license, and that designated as a boarding and lodging house license. As the law stood at present any holder of either of these licenses supplying drink to a person in a state of intoxication on the premises, or any of the appurtenances thereof, rendered himself liable to a penalty of any sum not less than £2 nor more than £5. This was a very wise and wholesome provision, within reasonable limitation, and his object was to modify the stringency of its application by restricting its operation to persons other than *bonâ fide* lodgers. He wished the law to remain as at present with respect to the ordinary customer—the frequenters of the taproom,—but the

Act went further than that, and rendered the publican and the lodging house keeper liable to a penalty for allowing any person, whether a *bonâ fide* lodger or not, to remain on the premises in a state of intoxication. The existing law also laid the onus of proving his innocence of the presence of such person on the premises on the licensee, which he thought was a very harsh provision, as in his opinion the *onus probandi* ought to lie with the prosecution, who should be required to prove that the licensee had knowingly allowed an intoxicated person to remain on his premises. It was therefore proposed, in the Bill now before the House, to remove the burden of proof from the shoulder of the licensee to that of the prosecution. As to lodgers, no such stringent measure as the present Act was required to deal with the *bonâ fide* respectable lodger at a hotel or boarding house. The hotel and the boarding house were to these men their temporary home, and, as a rule, if they happened to take a glass too much they, like most sensible men, went to bed [The Attorney General: No]. But under the present Act, it was the duty of the hotel or lodging house keeper to turn them into the street. If the person who had happened to take a glass too much were staying at a friend's house, sharing his hospitality free of expense, the law would not interfere with him, but if he happened to commit himself on the premises of a licensed hotel-keeper, where he paid for his accommodation, the publican rendered himself liable to be fined unless he turned the unfortunate lodger into the street. He (Mr. Brown) regarded the law in this respect as unreasonable, and though he respected the spirit in which legislation had been brought to bear in checking and restricting drunkenness, still he must say that in its application to the *bonâ fide* lodger the law was calculated to inflict a great deal of unnecessary hardship. Nor was it uniform in its application. A person who happened to be lodging at a hotel, if he chanced to partake of a little too much liquor, rendered the landlord liable to be fined, or otherwise placed him under the painful necessity of ejecting the lodger from the premises; whereas if the same person got into the same condition at the Club no one could interfere with him, or with the Club committee for allowing him to remain on the premises and go quietly to bed. The same law should apply to private as well as licensed houses; he did not see why a man who happened to be away from home and was perforce compelled to take up his temporary residence at a hotel should be treated more harshly than if he were at his own house, or sharing the hospitality of a friend. Under the existing law the police were invested with great powers—and he had no desire to take those powers away. What he proposed doing, and what was provided in the Bill before the House, was to render a landlord punishable if he "knowingly" or "carelessly" allowed a drunken man to remain on his premises, providing the man was not really and truly a *bonâ fide* lodger. The twelfth section of the Police Ordinance (25th Vict., No. 15) vested in a policeman the like powers of supervision over the frequenters of public houses as frequenters of the street. He was empowered, under that Ordinance, to enter a tavern at any hour and patrol the rooms—it had been said, not the bedrooms, unless in search of some particular friend—and if he found a man in a state of intoxication to summon him. Under an amended Act, it was provided that a policeman must hold some authority from a Justice of the Peace before he can enter a hotel and search the rooms; but the power to do so remained, nor did he (Mr. Brown) wish to interfere with it, so long as it was not vexatiously exercised. It might be said that if the Bill now before the House became law it would lead to unprincipled landlords supplying lodgers with drink to excess, but he would remind hon. members that a landlord rendered himself punishable for doing so, for the law provided that no holder of any license shall either in his house or any of its appurtenances supply any liquor to any person—be he *bonâ fide* lodger or not—while that person is in a state of intoxication, under a penalty of from £2 to £5 for each such offence. If the police performed their duty zealously, this provision would effectually put a check upon the degrading process known as lambing down. The very first occasion they found the lamber down in a state of intoxication, they could arrest him, and

by the time he appeared before the magistrate the man would be in his sober senses, and if the magistrate thought fit, could be sent to prison. It might be said that the man would return to his boon companions as soon as he was released, and would continue the lambing down process; but it was really impossible to legislate for such men as these. They would get drunk somewhere or the other, and there was nothing to prevent them doing so, so long as they were not in a licensed house. Nothing would avail men like that, but the total prohibition of the importation of intoxicating drink into the Colony. With these introductory observations he commended the Bill to the favorable consideration of the House.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, That the Bill be read a second time that day six months. He did not attempt to conceal from himself the fact that the subject which the hon. member had attempted to deal with in the measure before the House was one of considerable difficulty. He did not mean to deny that the law as at present in force was not open—if carried to extreme—to some of the theoretical objections which the hon. member had started against it; but he thought the House might take this fact into consideration—it was not long since this measure had been enacted, and he thought he might say it was difficult to find any case in which it had been provocative of any undeserving hardship. Perhaps some honorable members might be inclined to think of certain cases alluded to in the House at the close of last session, but that had nothing to do with the provisions of the Act itself. If the police on the occasions alluded to had been extra zealous, and had overstepped their duties, that was no reason why the House should be asked to repeal the provision which the present Bill sought to repeal. The Act had only been about eighteen months in operation, and—he said it without fear of contradiction—there had hardly been a single case of hardship alleged in which a person had been convicted under it where he ought not to have been. The hon. gentleman might possibly refer to the case of Mr. Woodman, who had been fined for allowing a drunken man to remain on his premises, he (Woodman) being absent from home, at Perth, at the time. It was said, that the person in charge of the house was not aware that the man was on the premises, nor had he got intoxicated there—that, in fact, it was a case in which no one would have liked to see the landlord fined. At the same time, the House must take into consideration what was the law authoritatively laid down by the Chief Justice when the case came before His Honor on appeal. He would like to call the attention of the House to what the Chief Justice in his judgment laid down as the line of defence which was open under the section infringed, to an accused publican. His Honor says—"The fact "of an intoxicated person being found "on the premises of a licensed publican, "such premises being the premises des"cribed in his license, is sufficient *primâ* "*facie* evidence to warrant a conviction "under the sixth section of the 36 Vict. "No. 11. The Court, however, is of "opinion that this *primâ facie* evidence "may be successfully rebutted by evidence "establishing to the satisfaction of the "Justices the fact that the intoxicated "person is found on the premises under "circumstances which the publican could "not reasonably be expected to control— "showing no neglect or want of reason"able precaution and no knowledge of "the presence of the inebriate on the "premises. It appears that in this case "the Justices were not satisfied of this "fact." He (the Attorney General) might here state that Mr. Woodman in the course he pursued with regard to the appeal, had proceeded in ignorance of the law, which had not then been authoritatively expounded; but now-a-days it must be known that it was open to a publican to rebut the evidence given in support of the prosecution. "It was "contended," His Honor went on to say, "on the part of the appellant, when "before the Justices, that no one knew "that the intoxicated person was on the "premises, but no witnesses were called "in support of this contention"—clearly showing that these witnesses might have been called by the publican had he chosen to do so. With regard to the Bill before the House, it proposed to shift the burden of proof from the publican to the prosecution. Under the

existing law, all the prosecution had to do was to prove that a drunken man had been allowed to remain on the premises, but this Bill rendered it incumbent upon the prosecution to prove that the publican was cognisant of the presence of the intoxicated person, and that he had knowingly allowed him to remain there. If that were to be the law, he did not think they would ever procure a conviction against a publican. Practically it would be impossible for the police to prove that a landlord was aware of the presence of an intoxicated person on his premises, and he could not help thinking that if the law were altered as proposed in the Bill before the House, it would remain a dead letter. He did not deny that there were theoretical grievances arising out of the provisions of the existing Act, as, for instance, in the suppositious case of a landlord turning out a respectable but convivial lodger who had taken a glass more than he ought to; but did any hon. gentleman ever hear of such a case? These were merely theoretical and sentimental grievances. When it was shown that there was any real ground for complaint, it would be time enough to take steps to remedy it. There was one direction, however, in which he would not be sorry to see fresh legislation introduced, and he believed he might say that His Excellency the Governor would not be averse to it. He alluded to the admission of the evidence of an accused landlord and his wife. He did not think that would be at all an unreasonable thing. In many of these cases, perhaps the only persons who were in a position to give evidence for the defence would be the publican and his wife, who, under the present law, were debarred from coming forward as witnesses. He should not be sorry to see the law altered in this respect, but he did not think the Bill before the House a desirable piece of legislation. They might as well do away with the law altogether. The second clause, it appeared to him, was open to the gravest objection. The hon. member who had brought forward the Bill might as well have put it in plain language, in the preamble, that whereas it is expedient to make lambing-down as safe and comfortable as possible, be it therefore enacted—and so forth. He (the Attorney General) had never himself witnessed the interesting process of lambing-down, and possibly the existence of that system of extravagance was to a great extent exaggerated; nevertheless, there was no doubt that the practice did obtain, and it behoved the Legislature to grapple with the evil. Not, however, in the manner here proposed, for he could hardly conceive a better provision for making lambing-down a safe and comfortable amusement, both to the lamber-down and the publican, than the provisions of the second clause of the Bill before the House. He should like to know who was a *bona fide* lodger, if the lamber-down, who never left the public house until he had spent every farthing of his money, was not. He (the Attorney General) entertained stronger objection to the latter part of this clause than to the former part, with regard to which he admitted some theoretical objections might be advanced. If any check at all was to be placed upon the unscrupulous publican who harbored drunkards in his house, he did not see any more effectual way of dealing with the question than that which was already the law of the land. They might as well repeal the licensing Act altogether, as to attempt to amend it by such an enactment as that before the House. He would therefore move, as an amendment upon the motion of the hon. member for Geraldton, that the Bill be read a second time that day six months.

Mr. STEERE seconded the amendment. The hon. gentleman who had proposed it had so entirely expressed his (Mr. Steere's) own sentiments in the matter that he need say no more. The second clause of the Bill was certainly more objectionable than the first. They could not fairly make any distinction between the lamber down and the respectable lodger. Thanks to the stringent provisions of the existing Act, lambing down, he was glad to think, was not so prevalent now as formerly. No doubt, as he had always said, the provisions of the present Act were such as required to be carried out with great discretion by the magistrates and the police, and he was inclined to think that since the last session of Council more discretion had been exercised, for the great outcry which at one time was raised against the

Act had ceased. He held in his hand a copy of a circular which His Excellency the Governor had issued on this point, in which His Excellency said he had heard with regret of cases in which the police had exceeded their duty, and counselling the exercise of greater discretion in future. The views expressed by His Excellency were, he (Mr. Steere) thought, identical with the views entertained by every hon. member in that House. It would of course be impossible to pass an Act to provide magistrates and police with powers of discretion; the country must rely upon their good sense in such matters. As to rendering a publican liable only when it was proved that he had "knowingly" allowed an intoxicated person to remain on his premises, such a provision would simply render the law inoperative. He was sorry to see the word introduced in any Act, for it rendered a conviction almost impossible. He hoped the House, by a large majority, would support the amendment that the Bill be read a second time that day six months.

Mr. MONGER, before proceeding to address himself to the Bill, said he was desirous of publicly stating in his place in the House that the statements contained in the report of Sub-Inspector Piesse, published with other documents presented to the House by command of His Excellency, were falsehoods; and if an investigation were called he (Mr. Monger) would be able to prove it. The hon. the Attorney General said that since last session he had not heard of any cases of hardship in connection with the existing Act. Possibly it was not within the hon. gentleman's recollection that a case had occurred at Newcastle, where a man was taken out of his bed by the police and made to walk across the street to ascertain if he was drunk, and then allowed to go. Two or three other cases had come under his own personal observation since last session. A short time ago, at York, he saw in the street three women, one of whom was very drunk. A constable happened to pass by at the time, but took no notice of the intoxicated female. She went to a hotel, and tried to get in at a side door, and the same constable who had passed her in the street went up and apprehended the woman and summoned the landlord, who had to summon several witnesses, at a cost of £1 8s., to prove that he did not know that the women was on his premises. The case was dismissed, but the landlord had to pay the piper. A week before coming down to Perth this session, he was standing at his brother's door, in company with Mr. J. H. Monger and Mr. Thomas Drummond, when they observed a drunken man in the street, evidently making his way to the York Hotel. The man was very drunk indeed, and a policeman who happened to come up found him on all fours in the street, and very considerately lifted him up and let him proceed on his way. Next night, the same constable went to the York Hotel, and in a right of way found a man in a state of intoxication, who was at once taken to the lockup. Mrs. Wilson, the landlady, was summoned next morning, and she had to prove that she had caused the man to be ejected from her house some time before he was discovered by the policeman, who had so considerately assisted the other drunken fellow in the street. They managed these things better at Perth. Since his arrival in town, he had witnessed two drunken women in the neighborhood of a public house, one lying down and another leaning against a wall. Presently up came a policeman who apprehended the two ladies and marched them off to the police station. Had that been in the Eastern Districts, there would have been a summons against the publican; but it was not so in Perth. He had in his possession a letter he had received from a boarding-house keeper at York, showing the hardship inflicted upon such persons by the existing state of the law. The writer said:—"I took a board and lodging house license at the recommendation of Police Sergeant Waldock, which I obtained about July 1st, 1877. A few days (about three) after I had received it, Sergeant Waldock with another policeman called to know whether I had obtained my license, and also to inform me that I was under the same restrictions as the publicans as to drunken men. I replied if such was the case my license would be useless, in fact harmful; as I was a great deal from home in my business as a baker, and could not possibly prevent drunken men entering

my premises during my absence. I afterwards went to the police and requested the cancellation of my license. They replied they could not do it and referred me to the proper authorities in Perth, and the Resident Magistrate gave similar advice. On the 7th inst., three men came to my house (one a lodger the others not) all the worse for liquor. I tried to eject them but could not, when the police coming up took them into custody and they were fined. On the 12th instant I was summoned to appear on the 17th (with three separate summonses), and fined in the lenient penalty of £2 and costs, each—total about £6 10s. 6d., with a recommendation from the Magistrate to lay the matter before His Excellency the Governor for his consideration. I think my case one of very great hardship, as men coming in from the bush have (as a rule) no home but the public house or the boarding house, and being so long absent from town, and away from the means of obtaining strong drinks, are by a very little overcome when they do get it. Under the present Act, the publican in self-defence is compelled to eject them, when the worse for liquor, and the men naturally (if they evade the police) make their way to the boarding house, having probably secured and paid for beds, board, &c. Under these circumstances the boardinghouse keeper can hardly refuse them admittance. I certainly do not wish for drunkards in my house, and should be much safer without them under the present law, if such is the law?" He (Mr. Monger) would ask the House, what was that man to do? His house was the temporary home of these men, and what was he to do with them but turn them out into the street. The Bill would have his support.

MR. PADBURY said he intended to vote for the amendment. He thought the district in which he resided was one of the best districts in the Colony. There was neither a public house nor a policeman in it, and he thought that as long as they had not the former they would be happy. He had no sympathy with a drunkard at all, and he did not see why a *bonâ fide* lodger, if drunk—supposing he were the Governor himself—should not be fined and punished. He thought that were greater discretion exercised by the licensing benches in granting licenses generally, there would not be so much heard about the hardship said to be inflicted under the present Act. To the honest publican, he considered the law afforded a certain amount of protection. There were too many public houses by half in the Colony. If they paid as much again as they now do for licenses, and Magistrates exercised a wiser discretion in issuing those licenses, a better state of affairs would prevail. No doubt what the hon. member for York said was true, but that did not affect the principle of the existing law, and merely went to show that the police at York were overzealous to get a case against a publican.

MR. BURT reminded the House that in agreeing to the motion for the second reading of the Bill they were merely asked to affirm its principle, which was simply to amend the existing Act. If he understood the hon. member for Geraldton correctly, he himself admitted the subject sought to be dealt with was one fraught with many difficulties, and he was not prepared to say but what some amendments might be introduced into the Bill, in committee, in order to make it more acceptable to the general feeling of the House. The main object of the Bill appeared to be to remove the onus of proof from the publican to the prosecution. Under the existing law, it appeared to him that it was almost impossible for a publican in any case to prove to the satisfaction of a Magistrate that he did not "knowingly" suffer an intoxicated person to remain on his premises, inasmuch as neither the publican nor his wife was allowed to give evidence on the subject, although it probably happened that they were the only persons present. He thought the law required amending in this respect, and he considered it a greater hardship that the publican should bear the onus of proving his innocence than that the prosecution should prove his guilt. He did not think it would be difficult in many cases to prove that a publican "knowingly" allowed an intoxicated person to remain on his premises. There was no reason why, when the House went into Committee on the Bill, the suggestion of the Attorney General, as to allowing a publican and his wife to give evidence, should not be introduced in the place of

the first portion of the second clause as it then stood. As to the case of the *bonâ fide* lodger, the objection raised against this part of the Bill was, that in trying to prevent any unnecessary hardship in the case of such a person they encouraged the lamber down. But he would ask the House to recollect that they were protecting the latter unsavory specimen of public-house loafers at the expense of the respectable *bonâ fide* lodger. He did not see why these fellows should be regarded with such parental regard, and protected in the way they are. He would vote for the second reading of the Bill.

Mr. GALE said he would do the same. Since he had left home he had received several letters from publicans in his own district, complaining of the hardship to which they were subjected. Drunken men were allowed to walk about the streets without being noticed by the police, but if they were seen anywhere on a publican's premises they were had up and the landlord was made to smart for it. If the Magistrates and the police exercised more discretion, the present law might not bear so harshly upon the publican; but the worst of it was, those functionaries did not always exercise sound judgment and discretion.

Mr. CROWTHER supported the motion for the second reading of the Bill. The existing Act had proved a perfect failure so far as regarded the suppression of drunkenness. Its utility, according to the almost unanimous testimony of the Resident Magistrates of the Colony, was dependent not upon the inherent efficacy of its provisions, but upon the discretion with which those provisions were enforced. Mr. Clifton, at Bunbury, said in his report, "I am unable to say whether or not it has diminished the number of cases of drunkenness brought before me." At Fremantle, he found Mr. Slade reporting that "the number of cases of drunkenness brought before him had not been diminished; on the contrary, they had very considerably increased since the amendment of the section referred to." The Resident Magistrate at Perth (Mr. Landor) reported that "the Magistrate's difficulty was caused by the zeal of certain of the policemen who brought charges they could not fully substantiate." Mr. Eliot, at Geraldton, said, "the cases brought before him had not diminished, but on the contrary rather increased. The Resident at Roebourne, like the rest of his judicial brethren, said the utility of the present Act depended in a great measure on the discretion displayed by the Magistrates and the police in carrying out its provisions. His words were:—"If the Magistrates do their duty, and restrain officious, irregular, and vindictive action on the part of the police, I do not apprehend that the amended Act will bear upon the licensed victualler with such hardship as to warrant its appeal." Hon. members would mark the saving clause—"if." As it appeared from the testimony of the Magistrates themselves that the Act, to prove beneficial in its operation, must be administered judiciously and discreetly, the House would do well to adopt a Bill having for its preamble, not "whereas it is expedient to make lambing down safe and comfortable," but "whereas it is expedient to provide Magistrates and policemen with a certain amount of common sense and discretion, be it therefore enacted," and so on. The hon. the Attorney General had said that it was competent for a publican to bring forward rebutting evidence; but the evidence which might appear satisfactory and conclusive to the publican might not be regarded in the same light by the bench. He believed the present Act might be made much more workable, and be more satisfactory to the country than it is at present. The statements made by the hon. member for York and the hon. member for Vasse proved what abuses the Act led to, and he might add another illustration which had come to his own knowledge. A man in a state of intoxication was going home in a cart, and the cart turned into a publican's yard. The landlord seeing the condition of the man, took him out of the cart and put him in a room in the house, and for acting this part of the good Samaritan he was next day fined £2 by the Resident Magistrate for allowing a drunken man to remain on his premises.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) asked hon. members, before voting for the second reading of the Bill, to consider what was the object of the proposed

amendment. To his mind, the object was to perpetuate a degrading system of drunkenness which had been prevalent in the Colony for years past, by allowing an unscrupulous publican to fleece an unfortunate customer of every farthing of his year's earnings, and then turn him adrift. He knew of such instances, and they must be within the knowledge of other hon. members. He did not mean to say that there were not under the present Act exceptional cases of hardship, but he would ask the House to consider the amount of good which it had effected. He quite agreed with the Attorney General that the hon. member for Geraldton in introducing the Bill would have acted more straightforwardly and manly had he set forth the real object of the Bill in the preamble, and making it appear expedient to legislate for the purpose of facilitating the process of lambing down. As to the provisions of the second clause with regard to *bonâ fide* lodgers, what was there to prevent an unscrupulous landlord, desirous of depriving a lambing down customer of his earnings, to keep such a man on the premises as a *bonâ fide* lodger. The object of the existing Act was to prevent such abuses as this being practised. He did not think the law as at present in force operated harshly in any way towards the respectable publican, and he should be sorry indeed to see its provisions repealed, or amended in the manner contemplated in the Bill before the House. His Excellency's circular, from which the hon. member for Wellington had read, showed the feeling of the Government in the matter, and the spirit in which they wished to see the Act carried out. Any abuse which would be brought under the attention of the Government in connection with the administration of the Act would be immediately investigated and dealt with. He hoped the majority of hon. members present would prove to the country at large that they were not in favor of any measure calculated to increase the crying evil of drunkenness.

Mr. BROWN: I exceedingly regret that the Government have not come forward to deal with this matter in the same spirit with which I introduced the Bill,—if we are to accept the speech of the hon. the Colonial Secretary as indicative of the spirit which animates the Government. The hon. gentleman has thought fit to taunt me with a want of straightforwardness and with unmanliness. I certainly admire the qualities of straightforwardness and manliness in any man; and I do hope, that whatever my failings may be, I am not justly chargeable with being wanting in either of them. The hon. gentleman characterises the Bill as a measure calculated to encourage lambing down, and asks what is to prevent an unscrupulous publican keeping a drunken lamber down in his house as a lodger until the man has spent every farthing of his earnings? I did not think the hon. gentleman—I did not think the Government—would want to be informed what was to prevent this taking place. I thought the Government was not ignorant of the fact that the power to prevent it was the law of the land. It is preposterous to imagine that such a state of things as described by the hon. gentleman should exist, if the police were to do their duty. Any publican supplying a drunken man with liquor renders himself liable to a penalty, and it is the duty of the police to take care that drunken men are not made the dupes of unscrupulous landlords. Of course if a man, in his sober moments, choses to spend his money foolishly, there is no law in the country to stop him. If he does not get drunk at a public house he will do so somewhere else. My attention has just been called to a paragraph in the report of one of the Resident Magistrates—a gentleman who is animated by as earnest a desire to suppress intemperance as any man in the Colony—Mr. Lawrence, who points out some of the serious evils attendant upon the present licensing laws more especially in connection with gallon licenses. He says, "Men who avoid the public house because they are turned out when drunk, club together and purchase spirits by the gallon, which they carry off into the bush." If the real object of the Government and of the country is the total suppression of drunkenness there is only one way in which that can be effected, and that is by prohibiting the introduction of intoxicating liquors into the Colony. So long as intoxicants are allowed to be sold, it will be utterly impossible to prevent drunkenness. I

do think that the checks imposed upon the publicans under the existing law are unreasonable, and I am glad to find that the Attorney General admits that they call for amendment in certain respects, such as allowing an accused publican and his wife to give their evidence. I have endeavored to meet that by assimilating our law as regards licensing with the other laws of the Colony and of the Mother Country, by laying the onus of proof on the prosecution.

Question put "That the Bill be now read a second time;" whereupon a division was called for, with the following result:—

Ayes	... ...	11
Noes	... ...	9
		—
Majority for	...	2

Ayes.	Noes.
Mr. Pearse	Mr. Steere
Mr. Glyde	Mr. Randell
Mr. Burges	Mr. Shenton
Mr. Marmion	Mr. Padbury
Mr. Monger	Sir T. C. Campbell
Mr. Gale	The Hon. A. O'G. Lefroy
Mr. Crowther	The Hon. M. Fraser
Mr. Hamersley	Mr. Parker
Mr. Burt	The Hon. H. H. Hocking (Teller.)
Mr. Brown (Teller.)	

Bill read a second time.

INDUSTRIAL SCHOOLS ACT, 1874—AMENDMENT BILL, 1877.

Mr. BROWN, on the motion for the further consideration of this Bill, moved, That the following new clause be added, and stand as clause 4: "The second section of this Act shall not be held to apply to aborigines."

The ATTORNEY GENERAL (Hon. H. H. Hocking) considered the new section entirely unnecessary, and thought the Bill more applicable to aborigines than to any other class.

Mr. BROWN said he had introduced the new clause at the request of a gentleman who knew more about the management of such institutions as those which the Bill dealt with than he (Mr. Brown) did, but he quite agreed as to the necessity of such a provision. The Bill in its present shape dealt a severe blow at the native missions of the Colony.

Mr. BURT said he regarded the new clause in the same light as the Attorney General, and failed to see the necessity of it.

Motion negatived.

CLOSING STREETS IN FREMANTLE BILL.

The COMMISSIONER OF CROWN LANDS (Hon. M. Fraser), in moving the second reading of this Bill, said that its object was to legalise the transfer of a piece of land with regard to which an arrangement had been entered into between the Municipal Council at Fremantle and the owners of church property in that town.

Motion agreed to.

Bill read a second time, and passed through Committee.

THIRD READINGS.

The Marriage with Deceased Wife's Sister Bill, and the Dangerous Matches Act, 1876, Repeal Bill, 1877, were read a third time.

BALLOT BILL, 1877.

IN COMMITTEE.

Clause 14—"Procedure at central polling place at close of poll:"

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved, as an amendment, That all the words after the word "shall," in the second line, and before the word "and," in the eleventh line, be struck out, and the words "in like manner fasten up and seal the ballot box, and it shall be lawful also for the scrutineers as aforesaid to affix their seals to the same; he shall also put into a secure envelope the counterfoils of the ballot papers used by him at the said election and shall seal the same, and it shall also be lawful for the candidates or their agents to affix their seals thereto. The returning officer shall then adjourn the proceedings, until he has received the returns from all the district polling places. When he has received all such returns, he shall, having given notice to the candidates or their agents, proceed, in the presence of such candidates or their agents (if they choose to attend), to count the votes and ascertain the result of the poll. In so doing he shall open the ballot box used at any polling-place and, without examining the ballot papers, ascertain the number of ballot papers contained in such box, and make a memorandum of such number. He shall go on to do the like with respect

to the ballot box used at each polling-place. He shall then mix all the ballot papers up together and then proceed, from examination of the ballot papers, to ascertain the result of the poll," be inserted in lieu thereof. This would effectually guard against the returning officer conning over the voting papers. Unless he broke the seals affixed to the ballot box, which he had no authority to do and which would render him punishable, a returning officer would absolutely have no opportunity at all of comparing the ballot papers with the counterfoils. The principle of secrecy would thus be placed beyond any possibility of its being violated.

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved a further amendment to the following effect: That after the word "for," and before the word "and," in the fifteenth line, the words "and he shall endorse on any ballot paper which he may reject, the word 'rejected.'"

Mr. MARMION: What's to be done with these rejected papers?

The ATTORNEY GENERAL (Hon. H. H. Hocking): They would be tied up with the others.

Mr. BROWN suggested that the provisions of the English Act should be made to apply to these rejected papers.

Amendment agreed to, and clause passed.

Clause 15—"Duty of the returning officer after the election:"

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved, as an amendment, That all the words after the word "with," in the second line, and before the word "up," in the third line, be struck out, and the words "the sealed envelopes containing the counterfoils as aforesaid," be inserted in lieu thereof; and that after the word "thereto," and before the word "he," in the fourth line, the words "and it shall be lawful for the candidates or their agents also to seal the same," be inserted; and, further, that the word "within," in the twentieth line, be struck out, and the word "for," inserted in lieu thereof.

Clause, as amended, agreed to.

Clauses 16, 17, 18, and 19—agreed to.

Clause 20—"Offences in respect of ballot papers and ballot boxes:"

Mr. STEERE moved, That the following sub-section be added: "Every person who forges, or fraudulently destroys any nomination paper, or delivers to the returning officer any nomination paper knowing the same to be forged, shall be guilty of misdemeanour."

Agreed to.

Clauses 21 and 22—agreed to.

Mr. STEERE moved, That the following new clause stand as clause 23: "If any person misconducts himself in the polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by any constable in or near that station, or any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, unless with the permission of the presiding officer, again be allowed to enter the polling station during the day. Any person so removed as aforesaid, if charged with the commission in such station of any offence, may be kept in custody until he can be brought before a Justice of the Peace. Provided that the powers conferred by this section shall not be exercised so as to prevent any elector who is otherwise entitled to vote at any polling station from having an opportunity of voting at such station."

Agreed to.

Mr. STEERE, in accordance with notice, moved, That the following new section be added, and stand as clause 24: "Every officer, clerk, policeman, or agent in attendance at a polling station shall maintain and aid in maintaining the secrecy of the voting in such station; and shall not communicate, except for some purpose authorised by law, before the poll is closed, to any person any information as to the name or number on the register of voters of any elector who has or has not applied for a ballot paper or voted at that station; and no such officer, clerk, policeman, or agent, and no person whatsoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote, or has voted, or communicate at any time to any person any information obtained in a polling station as to the

candidate for whom any voter in such station is about to vote or has voted, or as to the number on the back of the ballot paper given to any voter at such station. Every officer, clerk, and agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting, and shall not attempt to ascertain at such counting the number on the back of any ballot paper, or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper. No person shall directly or indirectly induce any voter to display his ballot paper after he shall have marked the same, so as to make known to any person the name of the candidate for or against whom he has so marked his vote. Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before two or more Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labor."

Agreed to.

Mr. STEERE further moved, That the following new clause be added and stand as section 25: "In case any candidate at any election shall fail to receive a number of votes equal at least to one-fifth part of the votes received by the successful candidate if only one, or by such one of the successful candidates, if there shall be more than one, as shall have received the smallest number of votes, the said sum of twenty-five pounds deposited by such candidate in the hands of the returning officer in pursuance of the provisions of the 4th section of this Act, shall be forfeited by such candidate, and shall forthwith be paid by the returning officer to the Colonial Treasurer, for the general purposes of the Colony. And after every election, the returning officer shall pay to any successful candidate, and to any unsuccessful candidate who shall so have received a number of votes equal at least to one-fifth part as aforesaid, the sum of twenty-five pounds deposited by him as aforesaid."

Agreed to.

Progress reported.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Thursday, 2nd August, 1877.

Amendment of Education Act—Pawnbrokers' Ordinance, 1860, Amendment Bill, 1877: second reading; in committee—Confirmation of Expenditure: report of select committee; Bill committed.

The SPEAKER took the Chair at noon.

Prayers.

ELEMENTARY EDUCATION ACT.

Mr. STEERE, in accordance with notice, asked the Acting Colonial Secretary, When the Government intend to introduce a Bill to amend the Elementary Education Act?

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy): As soon as it is ready.

Mr. STEERE: That's not an answer to my question. The Bill may not be ready a year hence.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy): I am unable to see how it can be said that my reply is no answer to the hon member's question. He asked me when the Government intend introducing the Bill, and I informed him that we intend doing so as soon as it is ready.

Mr. STEERE: I maintain that's no answer at all. I appeal to you, sir, (the Speaker) whether that is such a reply as a member of this House is entitled to receive from a member of the Government.

Mr. SPEAKER: I take it that, so far, it is an answer; you ask when the Government will introduce the Bill, and they reply "as soon as it is ready." I suppose it may be in the printer's hands.

Mr. STEERE, with leave, gave notice, That on the following day he would ask the Government whether they intend to introduce the Bill this session.

PAWNBROKERS' ORDINANCE, 1860, AMENDMENT BILL, 1877.

Mr. PEARSE moved, The second reading of a Bill to amend the Pawnbrokers' Ordinance, 1860. The honorable member, in giving his reasons for introducing such a Bill, stated that he had received a letter from three pawnbrokers