

Bill, by leave, withdrawn.

The Council adjourned at 7.30 p.m.

LEGISLATIVE COUNCIL,

Monday, 21st July, 1873.

Concessions of Land: select committee report—Trespass Act, 1872, Amendment Bill: first reading—Law and Parliamentary Library Bill: first reading—Shipping and Pilotage Ordinance Amendment Bill: first reading—Wells between Murchison and Shark's Bay: in committee—Mr. George Phillips: in committee—Sugar Production: in committee—City Band of Hope and Temperance League Hall: in committee—Tide to and Dealing with Estates in Land Bill: motion for first reading: first reading: motion for second reading—Increase of Members in Legislative Council Bill: in committee—Local Revenues in Northern District Bill: third reading—Religious Bodies (Church of England) Bill: second reading: in committee—Pearl Shell Fishery Regulation Bill: third reading—Masters and Apprentices Bill: second reading: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

CONCESSIONS OF LAND.

Select Committee Report.

The SURVEYOR GENERAL (Hon. M. Fraser) brought up the report of the select committee appointed to consider and advise on the expediency of making concessions of land to persons who may establish industries in or otherwise benefit the colony.

The report was read.

TRESPASS ACT, 1872, AMENDMENT BILL.

First Reading.

Mr. CAREY, in accordance with notice, moved for leave to introduce a Bill to amend the Trespass Ordinance, 1872.

The Bill was read a first time.

LAW AND PARLIAMENTARY LIBRARY BILL.

First Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking), in accordance with notice, moved for leave to introduce a Bill intituled an Act to make provision for the establishment of a law and parliamentary library.

The Bill was read a first time.

SHIPPING AND PILOTAGE CONSOLIDATION ORDINANCE AMENDMENT BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved for leave to bring in a Bill to alter and extend the provisions of the Shipping and Pilotage Consolidation Ordinance, 1855.

The Bill was read a first time.

WELLS BETWEEN MURCHISON AND SHARK'S BAY.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved that an humble Address be presented to His Excellency the Governor praying that he will sanction the expenditure of such sum as may be necessary to sink two wells on the line of road between the Murchison and Shark's Bay.

Mr. LOGUE opposed the motion which, after a few remarks in support of it by Mr. PADBURY, was negatived.

Question put and negatived.

MR. GEORGE PHILLIPS.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that, in accordance with a suggestion made by His Excellency the Governor, a sum of £50 be voted to Mr. George Phillips for services rendered during the absence of the Colonial Secretary at the Intercolonial Conference and the Sydney Intercolonial Exhibition.

Mr. STEERE and Mr. LOGUE opposed the motion on the grounds of economy and the ample salary received by the officer in question.

The SPEAKER supported the resolution, which was affirmed without further discussion.

SUGAR PRODUCTION.

In Committee.

Mr. PADBURY moved that an humble Address be presented to His Excellency the Governor, praying him to grant a sum of £250 to be awarded to any one person producing the first five tons of marketable sugar from either the cane, the planter's friend, or sugar beet; to be the produce of any one season; from the 1st January, 1874, and to stand good for five years.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that he had much pleasure in seconding the motion which was agreed to *nem. con.*

CITY BAND OF HOPE AND TEMPERANCE LEAGUE HALL.

In Committee.

Mr. PADBURY, in accordance with notice, moved that an humble Address be presented to His Excellency the Governor, praying him to place the sum of £100 on the Estimates as a grant-in-aid to erect a Temperance Hall in Perth, and that such sum be given for that purpose to such person as shall be treasurer to the City Band of Hope. The society for which the grant was sought was a laudable and a desirable one, and calculated to do much good in the cause of temperance. He was instructed to inform the House that, in the event of there being any opposition to a grant of money, that the society would in lieu thereof gladly and gratefully accept a grant of land in any central position in the city as a site for the proposed building.

The SPEAKER supported the motion.

Mr. LOGUE as an amendment proposed that, in place of the sum of money asked for, a suitable site of land, if possible, be granted for the purpose required.

The SURVEYOR GENERAL (Hon. M. Fraser) supported the amendment, and said he had already, on behalf of the Government, offered a grant of land to the society, but objection had been made to the site.

After a few observations from Mr. MARMION and Mr. PADBURY, the amendment was agreed to.

Motion, as amended, agreed to.

TITLE TO AND DEALING WITH ESTATES IN LAND BILL.

Motion for First Reading.

Mr. CAREY moved for leave to introduce a Bill based on the Torrens Act to simplify the title to and the dealing with estates in land.

On the draft Bill being handed to the Clerk at the table,

The COLONIAL SECRETARY (Hon. F. P. Barlee) asked leave to look at it. Having glanced through its pages, he said it was the identical measure which, on behalf of the Government, he had placed on the Table of the House, early in the session, for the consideration of hon. members, and it appeared to him something like an act of piracy on the

part of the hon. member for Vasse to adopt the Bill as his own, and to submit it for the affirmation of the House. Hon. members would recollect that when the measure was first placed on the Table he had expressed the intention of the Government in regard to it; and he thought it a somewhat unfair and piratical proceeding on the part of the hon. member to introduce the Bill without giving any notice to the Government of his intention so to do. Under the circumstances, he was of opinion that the motion before the House was unparliamentary, and certainly without precedent. He would therefore move that the Speaker rule that the Bill could not be received.

Mr. CAREY said he did not introduce the measure as his own. Last session, it would be in the remembrance of hon. members, the Government had promised to introduce a Bill of this nature during the present session; it had been alluded to in His Excellency's Speech at the opening of the Council; it had been referred to a select committee; that committee had recommended that a measure of the kind should be introduced this session, and had waited for some days to see if the Government would take any action in the matter. They had not done so, and although the Bill which he now sought leave to introduce had been drafted by the Government, he saw no reason why he should not have leave to bring it in, especially as his intention in regard to it was to move, on the motion for its second reading, that it should be referred to a select committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said it would be an utter impracticability for the Bill to be carried this session. The drafting of such a measure alone would occupy several weeks; for it would be borne in mind that the Bill sought to be introduced had been prepared years ago, and was intended merely as the groundwork or basis for the compilation of an Act suitable to the requirements of this colony. The course which the Government proposed to adopt in regard of it was, that, providing the House affirmed the general principle of the Bill laid on the Table during the earlier days of the session, a modified measure should be prepared, ready for submission for the consideration of the Council next session, when the plans of the requisite buildings, the estimated expenses for carrying out the provisions of the Bill, and all other necessary information relating to it, would also be ready, so that the Act, if adopted by the House, might come into operation early in 1875. Even were it practicable to prepare the Bill before the close of

the present session, it could not be put in force until about the middle of next year; so that after all the delay would be but for a few months. He was altogether in favor of a measure of the nature, and had been the first person to bring it under the consideration of the Government; but he did deprecate hasty legislation on such an important Bill, and for the reason he had already stated he must oppose the motion before the House.

Mr. PADBURY, while firmly convinced of the desirability of at once introducing a Bill to simplify the title to, and the dealing with, estates in land, thought that in the event of the Government guaranteeing to bring in such a measure in time to be enforced in the year after next, the House might postpone the matter in order to afford time for careful and mature consideration in the preparation of a Bill suitable to the requirements of our own colony.

Mr. MARMION expressed his regret that there were such difficulties in the way of adopting the Bill this session. He had pledged himself to support such a measure, and his constituency would be much disappointed at the result. The responsibility had, at any rate, been shifted on to the Government, who would have to bear the fault which, no doubt, would be attributed to the House by expectant but disappointed constituencies.

After some further conversation, in which the ATTORNEY GENERAL (Hon. H. H. Hocking), Mr. LOGUE, and Mr. BICKLEY took part, and some discussion as to the question really before the House,

The SPEAKER said the usual forms resorted to on the motion for the introduction of a Bill had been complied with, and the question at issue was—That leave be given to bring in the Bill.

Question put, "That leave be given to bring in the Bill," upon which a division was called for, the result being as follows:—

Ayes	9		
Noes	6		
	—		
Majority for	3		
Ayes.		Noes.	
Mr. Bickley		The Hon. H. H. Hocking	
Mr. Pearce		The Hon. M. Fraser	
Mr. Marmion		Mr. Bussell	
Mr. Dempster		Sir Thomas Cockburn-	
Mr. Logue		Campbell	
Mr. Monger		Mr. Hassell	
Mr. Steere		The Hon. F. P. Barlee	
Mr. Padbury		(Teller.)	
Mr. Carey (Teller.)			

Question thus passed.

First Reading.

Mr. CAREY moved that the Bill be read a first time.

The Bill was read a first time.

Motion for Second Reading.

Mr. CAREY moved that, inasmuch as it was his intention to refer the Bill to a select committee, the second reading be fixed for the next day.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said he would offer no further opposition beyond stating that it was simply a waste of time on the part of the Council to fix a day for the second reading of a Bill which it was impracticable for the House to adopt during the present session.

Question put and passed.

INCREASE OF MEMBERS IN LEGISLATIVE COUNCIL BILL.

In Committee.

Resumed debate.

New clause—

Mr. STEERE suggested the advisability of postponing the discussion on the question of proxy-voting until next session, but proposed that a new clause be added to the Bill as follows:—

Any person who shall be a candidate for election as a Member of the Legislative Council of Western Australia shall by himself or by his Agent give notice in writing of his intention thereof to the Returning Officer of the district for which he is a candidate at least ten days before the day of election in such district; and the said Returning Officer shall give notice of the intention of such person to become such candidate by affixing a notice to that effect on the Court House door of his district and keeping the same there affixed until the day of election. Provided however that if an election is held during the time that the Legislative Council shall be in Session a Candidate shall be required to give five days' notice only in the manner before provided.

After some conversational discussion,

Mr. LOGUE moved that progress be reported.

Progress reported, and leave obtained to sit again.

LOCAL REVENUES IN NORTHERN DISTRICT 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.

RELIGIOUS BODIES (CHURCH OF ENGLAND) BILL.

Second Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking), in moving the second reading of this Bill, briefly explained its object. The Church of England in this colony having, owing to recent circumstances, become a private body of Christians, representative members of which having, in Synod assembled, unanimously resolved that, consequent upon such change, the temporal affairs of their Church should henceforth be regulated and managed by mutual compact and arrangement among the members thereof, in the same manner as other religious denominations, it was now sought to remove the legislative trammels which fettered their action in this respect.

The Bill was read a second time.

In Committee.

The Bill passed through Committee *sub silentio*.

PEARL SHELL FISHERY REGULATION 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.

MASTERS AND APPRENTICES BILL.

Second Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to declare the law relating to masters and servants. In explaining the nature of the Bill the hon. and learned gentleman said it was retrospective in its purview, and provided that all the laws in force in England on the 1st January, 1873, relating to apprentices—except in so far as the same were inapplicable to the circumstances of this colony—should be deemed to have been and to be the law here.

The Bill was read a second time.

In Committee.

Clause 1 agreed to.

Clause 2—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved to insert the word "or" before the word "such" in the seventh line.

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved to strike out the word "question" in the seventh line and insert the words "questions, disputes and differences."

Amendment agreed to.

Clause, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

The Council adjourned at 8.30 p.m.

LEGISLATIVE COUNCIL,

Tuesday, 22nd July, 1873.

Concessions of Land: select committee report—Cart Licensing Bill: second reading: in committee—Subdivision of Road Districts Bill: second reading: in committee—Title to and Dealing with Estates in Land Bill: motion for second reading—Masters and Apprentices Bill: third reading.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

CONCESSIONS OF LAND

Select Committee Report.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the report be adopted.

Mr. LOGUE moved, as an amendment, that 1,000 acres of land be granted in fee simple to Messrs. Muir, the pioneer settlers of Eucla, and that 500 acres of land in fee simple be granted to Mr. A. Dempster, in recognition of his labors in forming a road to the eastward of Hampton Plains.

After a conversational discussion,

Mr CAREY moved as an amendment upon the amendment of the hon. member for Geraldton that all the words after the word "Eucla" be omitted.

An animated conversation ensued after which,

Amendment on the amendment agreed to.

Amendment, as amended, put, "That 1,000 acres of land be granted in fee simple to Messrs. Muir, as pioneer settlers of Eucla,"