

Amendment put, "That rice and pulse be struck out of the Free List," upon which a division was called for, the result being as follows:—

Ayes	12
Noes	5

Majority for	7
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Ayes.	Noes.
Mr. Phillips	The Hon. P. P. Barlee
Mr. Drummond	The Hon. R. J. Walcott
Mr. Marmion	The Hon. M. Fraser
Mr. Logue	Mr. Bussell
Mr. Brown	Mr. McKail (Teller.)
Mr. Newman	
Mr. Moore	
Mr. Monger	
Mr. Gull	
The Speaker	
Mr. Shenton	
Mr. Steere (Teller.)	

Amendment thus passed.

Staves and hoops for casks, and goods specially exempted by the Governor with advice of Executive Council were struck out of the Free List, by resolution.

Item, as amended, agreed to.

Item: *Harbour Dues*, £2,000.

Item: *Land Sales*, £6,000.

Item: *Land Revenue*, £16,650.

Item: *Transfer Duties*, £200.

Item: *Auction Duties*, £300.

Item: *Licences*, £2,490.

Item: *Postages*, £5,000.

Item: *Fines, Forfeitures, and Fees of Court*, £1,510.

Item: *Rottneft Establishment*, £800.

Item: *Fees of Office*, £680.

Item: *Sale of Government Property*, £1,000.

Item: *Reimbursement in Aid*, £800.

Item: *Contribution to Scab Ordinance*, £1,250.

Item: *Penalties from Ditto*, £100.

Item: *Miscellaneous*, £50.

Item: *Special Receipts*, £100.

Item: *Refunds*, £500.

Item: *Interest*, £600.

Items agreed to.

With the revision of the Free List and the proposed additional taxation on tobacco, beer, cigars, snuff, a revenue of £102,501 was anticipated. The increased duties, which were agreed to, it was expected, would amount to about £6,000 or £7,000.

Progress reported.

The Council adjourned at 10.15 p.m.

LEGISLATIVE COUNCIL,

Tuesday, 10th January, 1871.

33rd Victoria, No. 9, Amendment Bill: first reading—Thompson's Road Steamer—Commission of Enquiry into the Defalcations of the Treasurer at Champion Bay—Scab-in-Sheep Bill: first reading—Scab-in-Sheep Ordinance No. 13 of 1866—Policeman Kennedy—Local Boards Bill: in committee—Wild Horses and Cattle Nuisance Bill—Local Boards Bill: in committee—Wild Horses and Cattle Nuisance Bill: in committee.

The SPEAKER took the Chair at 4 p.m.
PRAYERS.

33rd VICTORIA, No. 9, AMENDMENT BILL.

First Reading.

Mr. SHENTON, in accordance with notice, moved for leave to introduce a Bill to amend the 33rd Victoria No. 9, entitled "An Ordinance to Restrict and Regulate the Issue of Licenses under the Provisions of the Ordinance 20 Victoria No. 2."

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that he had promised to introduce at the next session of the Council a Bill to regulate the publicans' and other licenses; therefore he did not see the necessity of repealing an Ordinance then which would again be repealed in the course of a few months.

Mr. SHENTON stated that the reason why he gave notice to amend the 33rd Victoria No. 9 was because at present a gallon license can only be issued to persons living in towns. This operated prejudicially in the district which he represented, the Greenough, and it was to place residents so situated on the same footing as those who were in towns.

The COLONIAL SECRETARY (Hon. F. P. Barlee) agreed with the hon. member that to settlers so circumstanced it was a hardship, but as the law would be altered in the course of a few months the hon. member could not effect much by moving in the matter. It was useless filling the Statute book unnecessarily.

Question put and passed.

The Bill was read a first time.

THOMPSON'S ROAD STEAMER.

Mr. STEERE, in accordance with notice, moved that if after due enquiry it should be found advisable to secure the services of an engineer to superintend and work the road steamer, the Government should be empowered to engage one in England for such purpose.

Mr. GULL hoped that when the engineer was engaged he would come out with the

steamer, and not arrive by the overland route, as the engineer for the steam dredge did, some months before the dredge itself.

The COLONIAL SECRETARY (Hon. F. P. Barlee): The simple reason why the engineer for the steam dredge came out overland was because the vessel that brought out the dredge had no accommodation for him; therefore it was necessary to send him out overland.

Question put and passed.

COMMISSION OF ENQUIRY INTO THE DEFALCATIONS OF THE TREASURER AT CHAMPION BAY.

Mr. SHENTON, in accordance with notice, moved that an humble address be presented to His Excellency, praying that he will cause to be laid on the Table of the House any correspondence there may be between this Government and the Secretary of State, also any despatches from the Secretary of State, in reference to the report of the commission of enquiry into the defalcations of the Treasurer at Champion Bay.

Question put and passed.

SCAB-IN-SHEEP BILL.

First Reading.

Mr. LOGUE, in accordance with notice, moved for leave to introduce a Bill to repeal the Scab-in-Sheep Ordinance of 1866, and make other provisions in lieu thereof.

The Bill was read a first time.

SCAB-IN-SHEEP ORDINANCE No. 13 OF 1866.

Mr. DRUMMOND, in accordance with notice, moved that the following amendment be made in the eighth section of Ordinance No. 13 of 1866, for the prevention and cure of scab in sheep:—that in the eighteenth line of this section, after the words "quarantine for" the word "six" be struck out, and the word "two" be inserted in lieu thereof; and with leave, without notice, for leave to bring in a Bill to amend the eighth Section 30th Victoria No. 13, intitled "Scab-in-Sheep Ordinance 1866."

He said that the reason he brought this matter forward was to protect sheepowners. At the present time it was a great hardship to sheepowners that six months' notice should be allowed, and he moved that "two" be inserted in place thereof. Some sheepowners let their sheep run five months and three weeks scabby, to the great injury of their neighbor. If the time was reduced to

two months they would pursue a different course. The opinions of the various agricultural societies as to the working of the Scab Ordinance were not by any means unanimous. He was of opinion that the Ordinance had worked well, but it would be perfectly impossible to carry it out without inspectors. If the House agreed to his motion he would be prepared to bring in a Bill to amend that portion of the Ordinance to which he referred.

Mr. LOGUE said that this was not the time for discussion. He had no objection to offer to the motion of the hon. member for Toodyay. He was still of opinion that the agricultural societies were almost in accordance with him on the motion he had made.

Mr. STEERE quite agreed with the Hon. the Colonial Secretary that it was not wise encumbering the Statute book with useless Ordinances, though he considered the motion of the hon. member for Toodyay a very good one.

Mr. DRUMMOND: There was no feeling among the large sheepowners to repeal the present Ordinance. It might suit the small flockowners or those who were too lazy to look after their sheep to repeal it.

Mr. LOGUE said that when he introduced his Bill the hon. member for Toodyay would not object to it.

The ATTORNEY GENERAL (Hon. R. J. Walcott) stated that when the House went into Committee on the Bill the hon. member for Toodyay could move an amendment.

The COLONIAL SECRETARY (Hon. F. P. Barlee) apprehended that the hon. member for Toodyay merely wanted a stringent quarantine clause inserted in the Ordinance. He said that if it was intended to bring in a Bill this session the hon. member for Toodyay would not press his motion.

Mr. DRUMMOND stated that the Hon. the Colonial Secretary had explained his views exactly.

Question put and passed.

POLICEMAN KENNEDY.

Mr. LOGUE, in accordance with notice, asked the Hon. Colonial Secretary if a man named Kennedy, who was lately convicted of an assault on a man named Bryant when a prisoner in his charge, and sentenced to six months' imprisonment, has been lately reappointed to the Police Force. Also on what account his sentence, or part of it, was remitted. He did not know whether he was entitled to receive any answer from the Hon. the Colonial Secretary. He understood that Kennedy had been discharged from the

Police Force twice. He had been charged with manslaughter, for which he was tried and got six months' imprisonment, and it was the general impression that if he got six years it would not have been too much for him. Kennedy was tried on the 12th October last and sentenced. He (Mr. Logue) now understood that Kennedy was a policeman on the force doing duty in the town. He thought that that was rather a curious way of undergoing punishment. Kennedy had been convicted of great brutality and was the cause of the man Bryant's death. Kennedy in his opinion was a man that ought not to be allowed on the Police Force.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said the hon. member for Geraldton had prejudged the case before he heard it. A distinct reply to the questions put by the hon. member would be in the first place, that the Governor in the exercise of the Royal prerogative—with the concurrence of the Chief Justice—remitted the sentence. He was not aware, secondly, that Kennedy had been dismissed from the police more than once. Thirdly, Kennedy was not tried for manslaughter, but for an aggravated assault, and that the jury found him guilty of a common assault. The hon. gentleman then informed the House that since the trial it had transpired that Kennedy was not the only one to blame. Kennedy was a good officer while in Perth as a policeman. He was now temporarily employed on the force, and a strict supervision would be kept over him.

LOCAL BOARDS BILL.

Mr. STEERE asked whether the Bill had been printed with the amendments proposed in the report of the select committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) explained that the committee has charge of the amendments and not the Government, and suggested that the Bill should be further considered in Committee of the whole Council.

Mr. STEERE moved that the report of the select committee appointed to report on the Bill to establish local boards for the conservation, improvement, and making of roads in the several districts of the colony be adopted.

Question put, "That the report of the select committee be adopted," upon which a division was called for, the result being as follows:—

Ayes	10
Noes	6
Majority for	4

Ayes.	Noes.
Mr. Phillips	The Hon. F. P. Barlee
Mr. Logue	The Hon. R. J. Walcott
Mr. Brown	The Hon. M. Fraser
Mr. Newman	Mr. Drummond
Mr. Moore	Mr. McKail
Mr. Monger	The Speaker (Teller.)
Mr. Gull	
Mr. Russell	
Mr. Shenton	
Mr. Steere (Teller.)	

Question thus passed.

In Committee.

A long and interesting discussion took place on this Bill; the point contended for by the Hon. the Colonial Secretary being that local committees should not have the power of putting fences across or declaring what were main lines and what were minor lines without the sanction of the Government, Mr. Steere contending that if the Bill meant local self-government the committee should have that power.

Progress reported, and leave obtained to sit again.

WILD HORSES AND CATTLE NUISANCE BILL.

Mr. PHILLIPS, with leave, moved that the amendments made in Committee of this Bill be printed.

Question put and passed.

Sitting suspended until 8.15 p.m.

LOCAL BOARDS BILL.

In Committee.

Resumed debate.

Clause 10—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved an amendment, that the words "recommend for the approval of the Governor" be inserted and the word "sanction" in the fifth line of clause 10 be struck out.

Amendment put, upon which a division was called for, the result being as follows:—

Ayes	10
Noes	6
Majority for	4

Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Phillips
The Hon. R. J. Walcott	Mr. Logue
The Hon. M. Fraser	Mr. Brown
Mr. Drummond	Mr. Moore
Mr. Newman	Mr. Shenton
Mr. Monger	Mr. Steere (Teller.)
Mr. Gull	
Mr. Russell	
Mr. McKail	
The Speaker (Teller.)	

Amendment thus passed.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved an amendment, that the

same words should apply to minor lines. The Hon. the COLONIAL SECRETARY, the Hon. the ATTORNEY GENERAL, and the Hon. the SURVEYOR GENERAL contended for the principle involved in the Bill that the Government should have the power to declare what were "main" and what were "minor lines of road," while Messrs STEERE and BROWN maintained that such power should be vested in the local committees.

Amendment put, "That the same words should apply to minor lines," upon which a division was called for, the result being as follows:—

Ayes	10
Noes	5

Majority for 5

Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Logue
The Hon. R. J. Walcott	Mr. Brown
The Hon. M. Fraser	Mr. Moore
Mr. Phillips	Mr. Shenton
Mr. Drummond	Mr. Steere (Teller.)
Mr. Newman	
Mr. Monger	
Mr. Gull	
Mr. Russell	
The Speaker (Teller.)	

Amendment thus passed.

Clause 12—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved an amendment that the figure "15" in the fourth line of clause 12 be struck out, and the figures "10" inserted as the penalty for non-repair of gates.

Amendment put, upon which a division was called for, the result being as follows:—

Ayes	4
Noes	11

Majority against 7

Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Phillips
The Hon. R. J. Walcott	Mr. Logue
The Hon. M. Fraser	Mr. Brown
Mr. Drummond	Mr. Newman
(Teller.)	Mr. Moore
	Mr. Monger
	Mr. Gull
	Mr. Russell
	Mr. Shenton
	Mr. Steere
	The Speaker (Teller.)

Amendment thus negatived.

Clause 14—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved an amendment, that the figures "10" in clause 14 be reduced to the figure "15", as the penalty for leaving gates open.

Amendment put, upon which a division was called for, the result being as follows:—

Ayes	5
Noes	10

Majority against 5

Ayes.	Noes.
The Hon. F. P. Barlee	Mr. Phillips
The Hon. R. J. Walcott	Mr. Logue
The Hon. M. Fraser	Mr. Brown
Mr. Drummond	Mr. Moore
Mr. Newman (Teller.)	Mr. Monger
	Mr. Gull
	Mr. Russell
	Mr. Shenton
	Mr. Steere
	The Speaker (Teller.)

Amendment thus negatived.

Progress reported, and leave obtained to sit again.

WILD HORSES AND CATTLE NUISANCE BILL.

In Committee.

The ATTORNEY GENERAL (Hon. R. J. Walcott) took the opportunity of rebutting the charge made against him that he had not drafted the Bill in accordance with the report. The discussion that ensued clearly showed that the hon. gentleman had done so faithfully and that the objections of one or two hon. members that he (the Attorney General) had not done so, were satisfactorily proven to be *nihil ad rem*.

Progress reported, and leave obtained to sit again.

The Council adjourned at 10.30 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 11th January, 1871.

First Readings—Standing Orders Suspension—Tariff Bill: second reading: in committee: third reading—Appropriation Bill: second reading: in committee: third reading—Coasting Vessels and Cargo Boats Regulation Bill: first reading—Representation of the People Bill: select committee report—28th Victoria No. 4, Amendment Bill: first reading—Destruction of Native Dogs Bill: first reading—Scab-in-Sheep Ordinance Amendment Bill: first reading—Public Loan Bill: second reading: in committee—Mason, Bird, and Company—Representation of the People Bill: in committee: Speaker's ruling.

The SPEAKER took the Chair at 4 p.m.

PRAYERS.

FIRST READINGS.

The following Bills were read a first time, on motions by the Colonial Secretary (Hon. F. P. Barlee): Tariff Bill and Appropriation Bill.

STANDING ORDERS SUSPENSION.

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, without notice, moved that the Standing Orders be suspended with a view to passing the Tariff Bill and the Appropriation Bill through the Council. He said it was desirable that these Bills should come into force at once.