

it necessary that vessels of lesser tonnage, plying between intermediate ports, such as Bunbury, Vasse, and Champion Bay, should be brought under the provisions of the Act,—if the Bill should ever become an Act.

Mr. BURT considered it quite as necessary to protect lives on board a vessel of 10 tons as on board one of 50 tons. It was not a question of tonnage or distance, but of the protection and safety of passengers.

After some further conversation,

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the provisions of the Bill be limited to vessels (without regard to tonnage) proceeding on any voyage north of Geraldton or south of the Vasse, and carrying passengers on board.

Mr. BICKLEY asked if the lives of a vessel's crew were not as precious as the lives of passengers; if so, he did not see why the provisions of the Bill should be restricted to vessels carrying passengers. He would suggest that the Bill be withdrawn, and another, more consonant with common sense and the views of the House, introduced in lieu thereof.

Mr. PEARSE thought that the House would best consult the interests of ship-owners and of all concerned by agreeing to the suggestion for referring the Bill to a select committee.

Mr. CROWTHER moved that the Chairman report progress, and ask leave to sit again.

Progress reported, and leave obtained to sit again.

The Council adjourned at 8.30 p.m.

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### LEGISLATIVE COUNCIL, Monday, 6th December, 1875.

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Customs Ordinance Amendment Bill: second reading—Distillation Act, 1871, Amendment Bill: second reading: in committee—Bastardy Laws Bill: second reading: in committee—Confirmation of Expenditure Bill: in committee.

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

PRAYERS.

### CUSTOMS ORDINANCE AMENDMENT BILL.

#### Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy), in moving the second reading of a Bill to relieve persons engaged in pearl shell fishing on the north-west coast from payment of duties on stores and provisions used on board vessels employed by them in the prosecution of that industry, said that the measure was introduced in consequence of representations made to the Government of the unfair position in which vessels fitted out and provisioned in our own ports stood as compared with vessels fitted out at foreign ports. Whereas the former were subjected to a payment of duty on their stores and provisions, the latter were exempted from the payment of any duty in respect of stores and provisioning equipment. The object of the Bill was to remedy this inconsistency and injustice towards local craft, and to place all vessels engaged in the fisheries on the same footing as regards the victualling of such vessels.

Mr. PADBURY opposed the motion. Although his sympathies would always go with the local trader in preference to the foreigner, he yet failed to see how this Bill could be accepted as a fair settlement of the alleged grievance under which the owners of vessels fitted out and provisioned in this colony laboured. Moreover, he failed to see why those persons engaged in pearl-fishing—admittedly one of the most lucrative of our colonial industries—should, with regard to a remission of duty on their stores and provisions, be placed on a more favorable footing than those persons engaged in other industries, such as the sandalwood-trade, who like the rest of the community had to pay duty on what stores and provisions they consumed. In order to place local and foreign vessels engaged in pearling on the same footing he would suggest that instead of exempting the former, like the latter, from payment of duty on stores and provisions, the latter, like the former, should be compelled to pay a duty on such stores and provisions as were consumed on board while in the prosecution of the pearl-fishing industry in our waters. If this could not be done, he would handicap the foreigner by making him pay a heavier license than the boats provided and victualled in the colony and owned by local proprietors, so as to bring the two classes on something like a level. He was in favour also of increasing the export duty on shells. He objected altogether to the principle of the Bill before the House.

Mr. SHENTON expressed his concurrence with what had fallen from the hon. member for Swan, and failed to see that any insurmountable obstacles interposed to prevent our levying and collecting a duty on the stores and provisions of pearling vessels victualled out of the colony. He thought the difficulty might be obviated by requiring that the master of every vessel coming to prosecute the pearl-shell industry from abroad should on his arrival at the fisheries deposit a true copy of the ship's manifest at the Customs, and before he returned to the port whence he came the master should make a declaration specifying the quantity of stores and provisions consumed while prosecuting the pearl-shell fishing industry in our waters. If this could not be done, he believed with the hon. member for Swan that increasing the export duty on shells would be a more satisfactory solution of the evil than the remedy contemplated in the Bill before the House.

The SURVEYOR GENERAL (Hon. M. Fraser) said it was no use barking unless we could bite. The hon. members for Swan and Toodyay must be well aware that unless the foreign vessels alluded to came into our ports, or within three miles of our shores, they did not come under our jurisdiction, and we were powerless to levy any duty upon the stores and provisions they might have on board. With regard to an increased export duty to be levied on such vessels the same objection obtained, for he believed that, as a rule, the pearl-shell industry was carried on within waters over which we had no jurisdiction, and therefore we could not bring those engaged in the industry, so long as they remained in those waters, under the provision of any local enactment. They were precluded from so doing by the provisions of international maritime law, and it was useless therefore to talk of levying a duty either on the imported stores and provisions of such vessels or on the pearls exported by these foreign craft. This question had been well considered and thoroughly discussed some sessions ago, and it was then shown very clearly that considerable difficulty must arise if we attempted to restrict the pearling trade beyond certain bounds. One of the objects of the present Bill—indeed, he might say, its main object—was to patronise and encourage the local trader and merchant. It was a well-known fact that a large proportion of stores and provisions consumed at the fisheries at present came from Singapore and other foreign ports, simply because such provisions were imported free of duty, and therefore correspondingly cheaper than stores supplied by our local merchants and upon

which duty had to be paid. The Bill before the House was intended to place the colonial trader on the same footing, as to the payment, or rather the non-payment of duty as the foreign merchants. It was thus hoped to encourage the local trade, and to enable our own storekeepers to participate more fully in the profits of one of our most flourishing industries.

Mr. STEERE said no doubt the object of the Bill was a good one, and he further agreed with the hon. the Surveyor General that it was no use barking unless we could bite. But he doubted if there really existed any such great practical difficulties in the way of levying and collecting Customs duties upon all vessels engaged in the pearling industry. Of course we could not go beyond our boundaries—three miles from shore—to levy or collect such duties; but surely there must be occasions when these vessels came within our jurisdiction. Much of the existing difficulty in this respect would be obviated if the colony possessed a properly-equipped cruiser on the coast. With regard to the suggested export duty, the greatest objection to that appeared to him to be the fact that Her Majesty's Government would regard such an impost as a differential duty, and refuse to sanction its imposition.

Mr. T. BURGESS was afraid there was very little chance of our ever being able to get hold of these foreign vessels, so as to enable us to levy Customs duties upon them. He, therefore, entirely concurred with the remarks which had fallen from the hon. the Surveyor General, and would gladly see the provisions of the Bill become law, as it appeared the most practical solution of the difficulty of placing all vessels engaged in the pearl-shell fishery on the same footing, as regarded their stores and provisions.

The ATTORNEY GENERAL (Hon. H. H. Hocking) said the subject had engaged his attention for some considerable time, and it appeared to him that, as the hon. member for the north had just remarked, the Bill before the House afforded the most practical solution of the difficulty alluded to. With regard to what had fallen from the hon. member for Swan as to the unfairness of remitting these Customs duties in the case of persons engaged in the prosecution of so lucrative an industry as pearl-shell fishing, while at the same time those employed at other industries were not so exempted from payment of such duties, there was no doubt that the hon. member's contention was a forcible one. If they came to argue the justice of the question, there was no doubt the pearlers had not a leg to stand

upon. Pearlring was admittedly one of the most, if not the most, lucrative industry prosecuted in the colony, and those engaged in it had no right to come to the Legislature with a plea, *ad misericordiam*, for relief. But the object of the present Bill was not so much to afford relief to the pearlringers as to place the local importer and merchant on the same footing as the foreign trader, so that instead of vessels fitting out, as they now do, at Singapore and other foreign ports, they should find it equally if not more cheap and convenient to obtain their stores and provisions at Fremantle, or any of our colonial ports. The difficulty in the way of placing local and foreign vessels on the same footing resolved itself into a question of levelling up or levelling down, and it appeared to him that the latter process would be found to be the most practicable, though perhaps not the most desirable, solution of the difficulty.

After some remarks from Mr. MARMION and Mr. CROWTHER,

Mr. RANDELL said he failed to see the necessity for the legislation contemplated in the Bill before the House, nor did he believe that it would have the effect which its framers and advocates anticipated. It was a species of class legislation—an attempt to relieve one section of the community, at the expense of another, from payment of a just duty, which they ought to pay. The settlements on the north-west coast of the colony were the source of considerable expense to the Government, and it was but right that those engaged in pearlring operations should contribute a fair share towards the preservation of order and other expenses incidental to the effective government of the settlement. He was in favor of the levelling up process in this instance, and thought with the hon. member for Toodyay that every vessel fitted out at a foreign port should on arriving at Roebourne declare her manifest at the Customs and pay the usual duties on such stores and provisions as she introduced, receiving a drawback on such as had not been consumed when she left.

Mr. BROWN suggested that the Bill be withdrawn.

Mr. BICKLEY supported the motion for its second reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said the measure had been introduced after a great deal of consideration, and under the belief that such a measure was desirable quite as much in the interests of local traders as of those actually engaged in pearl-shell fishing. The Government, therefore, might justly claim credit for

having introduced a measure of that character, but as the opinion of the House appeared to be opposed to the provisions of the Bill, the Government had no wish to press it upon the Council. Under the circumstances he would, with the leave of the House, withdraw the Bill.

Question put, "that the Bill be withdrawn," upon which a division was called for, the result being as follows:—

Ayes .....15

Noes..... 4

Majority for .....11

Ayes.	Noes.
Mr. Randell	Mr. T. Burges
Mr. Gale	Mr. Bickley
Mr. Brown	Mr. Pearse
Mr. Hornsley	Mr. Marmion (Teller.)
Mr. Munger	
Mr. Steere	
Mr. Padbury	
Mr. Shenton	
The Hon. A. O'Grady Lefroy	
The Hon. H. H. Hocking	
The Hon. M. Fraser	
Mr. Burt	
Mr. W. Burges	
Mr. Glyde	
Mr. Crowther (Teller.)	

Question thus passed.

#### DISTILLATION ACT, 1871, AMENDMENT BILL.

##### Second Reading.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that the Bill was to allow persons exploring in divers parts of the colony to use distilling apparatus for the purpose of distilling salt water.

The Bill was read a second time.

In Committee.

The Bill passed through Committee without discussion.

#### BASTARDY LAWS BILL.

##### Second Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to make further provision for the maintenance of bastard children by their putative fathers. The Bill repeals the existing enactments on the subject, provides that justices may make an order on the putative father for payment to the mother, or to any person who may be appointed to have the custody of the illegitimate child, of a sum not exceeding 5s. a week, instead of being limited to half-a-crown, as at present.

The Bill was read a second time.

## In Committee.

## Clause 1—

Mr. PADBURY suggested that its provisions be applied to the fathers of half-caste children in like manner as to the putative fathers of whites.

The ATTORNEY GENERAL (Hon. H. H. Hocking) said he would give the matter his consideration and would not press the Bill through Committee until he had had an opportunity of seeing what could be done in the matter.

Clause agreed to.

Clauses 2 to 9 agreed to.

Clause 10—

Mr. RANDELL moved that the word "thirteen," in the fifth line, be struck out, and the word "fourteen" inserted in lieu.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 11 to 13 agreed to.

Progress reported, and leave obtained to sit again.

### CONFIRMATION OF EXPENDITURE BILL.

## In Committee.

Resumed debate.

The Bill passed through Committee without amendment.

The Council adjourned at 11 p.m.

### LEGISLATIVE COUNCIL, Tuesday, 7th December, 1875.

Land Regulations for Northern and Eastern Districts: select committee—Post Office Savings Bank Ordinance Amendment Bill: second reading: postponement—Election Petitions Bill: second reading: in committee—Confirmation of Expenditure Bill: third reading.—Paper Tabled.

The ACTING SPEAKER took the Chair at 12 noon.

## PRAYERS.

### LAND REGULATIONS FOR NORTHERN AND EASTERN DISTRICTS.

## Select Committee.

The SURVEYOR GENERAL (Hon. M. Fraser), in accordance with notice, moved that the select committee now appointed to report

on suggested amendments to regulations for the disposal of Crown lands in the northern and eastern districts be requested to consider and report in what manner the small farmer may be placed in a better position than at present as regards the depasturing of his stock; and supposing grazing rights to be considered, how they may be distributed so as not to press unduly on the existing rights of any class of settlers.

Question put and passed.

### POST OFFICE SAVINGS BANK ORDINANCE AMENDMENT BILL.

## Second Reading: Postponement.

The ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said that the Bill provided that the funds of the Savings Bank shall not be invested in the colony, but in consols or in other approved securities elsewhere. He further said that it was introduced by the Government at the direction of the Secretary of State. He moved that the second reading be postponed until Tuesday, the 14th December.

Mr. STEERE said there was a strong feeling of opposition on the part of members to the Bill, and he recommended the Government to withdraw it altogether or, in all probability, it would be consigned to the limbo of Parliamentary abortions.

Question put and passed.

### ELECTION PETITIONS BILL.

## Second Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be now read a second time.

The Bill was read a second time.

## In Committee.

Clauses 1 and 2 agreed to.

Clause 3—

Mr. BURT moved that the word "five," in the 12th line of subclause (4), be struck out and the word "three" inserted in lieu.

Debate ensued.

Amendment put, "that the word 'five' be struck out and the word 'three' inserted in lieu," upon which a division was called for, the result being as follows:—

Ayes .....	8
Noes .....	8