

The COLONIAL SECRETARY (Hon. F. P. Barlee) could not say without reference to the Ordinance.

Mr. BROWN had heard that there was such a law, but he never could find it. Natives had no idea of time; they do not know what is 12 months or three months. He would propose that no engagement with natives extending beyond two years be valid.

The COLONIAL SECRETARY (Hon. F. P. Barlee) thought for one year, or for the season, long enough. They are not required more than three months in the year.

Mr. BROWN said he could go to Roebourne and get them to sign for 10 years. To have no limit as to time would be a great mistake.

Mr. DRUMMOND was of the opinion that when the season was over the men would be discharged, and the agreement cease. It would be hard to compel persons to keep natives for a longer time than they wanted them.

Mr. BROWN'S proposal "that no engagement made with a native extending beyond one year be valid," form part of the Bill, was then agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that as the Council decided that two additional clauses be added he would move that the Chairman report progress.

Progress reported, and leave obtained to sit again.

#### SUPERANNUATION BILL.

##### Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving that the Bill be now read a second time, said that it was simply a copy of the English Act.

Mr. STEERE stated that he would move an amendment to the motion—that the Bill be read that day six months. In every clause of the Bill everything was to be done by the Governor in Executive Council. He would not agree to delegate any power belonging to the House to the Executive Council. The Executive had no interest in Colonial matters, and there was no-one in the House to defend the advice that they give the Government. It was the opinion of a sound lawyer, Judge Boothby, that after the passing of the Constitution Act, the Executive Council ceased to exist. He moved that the word "now" be omitted with a view to inserting the words "this day six months" after the word "time".

Amendment agreed to.

The Council adjourned at 10 p.m.

#### LEGISLATIVE COUNCIL,

Thursday, 15th December, 1870.

Steamers on the Coast—Publicans' Petition—Steamers on the Coast—Aboriginal Natives Pearl Shell Fishery Bill: in committee—Bankruptcy and Insolvency Bill: second reading: in committee.

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

#### STEAMERS ON THE COAST.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the table a letter received from the Secretary of the Australian Steam Navigation Company relative to steamers on the coast.

#### PUBLICANS' PETITION.

Mr. NEWMAN, in accordance with notice, moved that the licensed victuallers' petition read on the 8th inst., be taken into consideration. He said that in doing so he would not pledge himself to support all the clauses in it, but he considered the petition ought to be received. When the present Publicans' Act was passed, it gave rise to much discussion and dissatisfaction. The circumstances of the colony had considerably changed since then, and such a stringent measure was not called for. Legislation when too severe becomes inoperative, and laws against the natural instincts of the people, become inoperative; such was the result of the Publicans' Act, which, to a great extent, was inoperative, and was not observed. Public feeling is against carrying out its provisions, and hence it fails to a certain extent. The Publicans' Act and the gallon license ought never to be taken into consideration together—if so, an imperfect measure would be framed. The petition, however, was deserving of all consideration on the part of the Council. He was a holder of a gallon license himself, and he knew the publican had a grievance as to the mode in which it is carried out. In the country districts anyone can get a gallon of mixed spirits, and take one bottle at a time, which is charged for nominally as a gallon. It was not right to the publican. The hotel department, which was supposed to close at 10 o'clock, was not observed. The provision was inoperative—it was an instance of over-legislation. He therefore trusted the Council would take the petition into their consideration, and would move that this Council at the present, or next session, bring in a Publicans' Bill. As he said before, the gallon license and the publicans' license should not be considered together, or an imperfect measure would be the result. He would give a formal notice of motion to-morrow.

Mr. STEERE, in seconding the hon. gentleman's motion that the petition be received, said he did so without knowing the real grievances complained of. He would not recommend any reduction in the amount paid for the license for public houses. The publicans, he knew, had grievances, and were subject to many penalties and prohibitions, which ought not to be. In public-houses games or means of amusement may be permitted. It was the only complaint of men that the only amusement they had was to sit down and drink in the public-house. If skittles, quoits, and other games as in England, were permitted, there would be less drunkenness than at present. He thought that to introduce at the next session of the Council a new Bill relating to the sale of spirituous liquors the most advisable course to adopt.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that his opinions on the subject go in the same groove as the former speaker. Publicans in this colony have considerable grievances as to the holders of gallon licenses. The gallon license law was a great ground of grievance. The times had changed, and he considered a great deal more license could be given to publicans. Stringent measures were deemed necessary 15 years ago, and he took part in passing them. He would pledge himself to bring in a Bill on the subject at the next session of the Council. He saw no objection to his making that pledge.

Mr. NEWMAN: If the hon. gentleman makes that pledge now it will not be necessary to move further in the matter.

The COLONIAL SECRETARY (Hon. F. P. Barlee) preferred that hon. members would express their opinions, so that the Hon. the Attorney General might be in possession of the views of the House.

Mr. DRUMMOND could speak with confidence on this point, that it has been decided that a person may purchase from a gallon license holder a gallon of grog, and, as long as it entered in the day book, that person can take away one bottle at a time. It was a just cause of complaint on the part of the publican, who could not possibly compete with the man who only paid £10 per annum. A person can take from a gallon license holder one bottle of spirits at a time, so long as an entry has been made, whether any cash passes or not.

Question put and passed.

#### STEAMERS ON THE COAST.

Mr. McKAIL, in accordance with notice, moved for leave to lay on the table the basis of a proposal to the A.S.N. Company for

placing one or two steamers on this coast, which, as agent for that company, he said he had no doubt would be acceded to by the manager.

Question put and passed.

#### ABORIGINAL NATIVES PEARL SHELL FISHERY BILL.

In Committee.

Resumed debate.

Clauses 6 and 7—

Mr. LOGUE made several suggestions and proposals for the consideration of the House in reference to this Bill.

The COLONIAL SECRETARY (Hon. F. P. Barlee), though admitting the very good suggestions of the hon. member for Geraldton, could not entertain them at present, and urged Mr. Brown to withdraw his two clauses, because they would be inoperative.

Mr. BROWN could not consent to withdraw them, unless the Colonial Secretary did the same, as they had been affirmed by the House, and were necessary to make the Bill useful.

A long discussion then ensued, in which the Hon. the Attorney General, Mr. Logue, the Speaker, Mr. Drummond, and Mr. Steere took part.

Question put, "That clauses 6 and 7, as proposed by Mr. Brown, remain part of the Bill," upon which a division was called for, the result being as follows:—

Ayes ..... 5

Noes ..... 10

Majority against ..... 5

Ayes.	Noes.
Mr. Marmion	The Hon. F. P. Barlee
Mr. Logue	The Hon. R. J. Walcott
Mr. Monyer	Mr. Phillips
Mr. McKail	Mr. Drummond
Mr. Brown (Teller.)	Mr. Shenton
	Mr. Newman
	Mr. Moore
	Mr. Busaell
	The Speaker
	Mr. Steere (Teller.)

The question was therefore not carried, and clauses 6 and 7 did not remain part of the Bill.

Bill reported, with amendments.

#### BANKRUPTCY AND INSOLVENCY BILL.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a second time.

The Bill was read a second time.

In Committee.

Clause 5, section 3—

Mr. NEWMAN inquired from the Hon. the Attorney General, what was the meaning of the words, "or had begun to keep house."

The ATTORNEY GENERAL (Hon. R. J. Walcott): Keeping in the house—keeping away from his creditors, or from the bailiff.

Mr. NEWMAN said that it is the legal phrase for "keeping house." He thought that would be keeping out of the house. In clause 5, he proposed that the word "two," be inserted in place of the word "six."

Amendment not agreed to.

Clause agreed to.

Clause 10—

Mr. NEWMAN took exception to clause 10, but on the explanation of the Hon. the Attorney General, withdrew his objection.

Clause agreed to.

Clause 14—

Mr. NEWMAN moved that the amount of tools, bedding, &c., to a bankrupt should be increased to £50, instead of £20.

Amendment agreed to.

A discussion then arose, at the instance of Mr. NEWMAN, as to the meaning of section 5, in clause 14, particularly as to the interpretation of the words "of which goods and chattels the bankrupt is the reputed owner."

The ATTORNEY GENERAL (Hon. R. J. Walcott) gave his interpretation of the words.

Clause, as amended, agreed to.

Clause 15, section 2—

Mr. NEWMAN moved the insertion, after the words "to vote as a creditor," of the words "unless objected to by the bankrupt, on the ground of non-indebtedness."

On the explanation of the Hon. the Attorney General, the amendment was withdrawn.

Mr. NEWMAN objected to section 3 of this clause which runs thus—"A creditor shall not vote at the said meeting in respect of any unliquidated or contingent debt, or any debt the value of which is not ascertained." He contended that creditors ought to be allowed to prove their debts *ex parte*. Under the peculiar circumstances of the colony it would not be possible to prove debts at once.

The ATTORNEY GENERAL (Hon. R. J. Walcott): Creditors should have proof of their debts under their thumbs.

Mr NEWMAN said that things *in transitu* for instance, could not be brought into account so as to strike a balance at the time of meeting.

The COLONIAL SECRETARY (Hon. F. P. Barlee): A creditor could prove a debt from his books.

Mr. NEWMAN and Mr. STEERE made a few other remarks.

Clause agreed to.

Clause 19—

Mr. STEERE moved that the words in clause 19, "appointed by the Court of Chancery," be struck out and the words "appointed by the Supreme Court in its equitable jurisdiction," be inserted.

Amendment agreed to.

Clause 29—

Mr. SHENTON moved that instead of a trustee being allowed to keep £50 in his hands 10 days, £25 be inserted in its place.

Amendment agreed to.

Clause, as amended, agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 6.30 p.m.

## LEGISLATIVE COUNCIL.

Friday, 16th December, 1870.

Superannuation—Bankruptcy and Insolvency Bill: in committee—Fraudulent Debtors Bill: second reading: in committee—Lunacy Bill: second reading: in committee.

The SPEAKER took the Chair at 4 p.m.

PRAYERS.

## SUPERANNUATION.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that as the sole reason why the Bill to regulate superannuations and other allowances to persons having held civil offices in the Public Service, under the Colonial Government, was rejected the other day, by the House, was a want of confidence in the Executive Council as at present constituted, and from no desire on the part of hon. members to shelve the matter altogether, he was about to propose to the House a motion on the subject that day. He could quite understand the feeling of the House in not giving effect to the Bill, on the ground of want of confidence in the Executive Council, and as that body had no voice in expending the public money, he recognized the feeling himself that caused its rejection; on that ground, therefore, he made no objection at all. He believed that it was not the desire of the House to shelve the subject, and do an injustice to the Public Service of this colony. He was aware they had no feeling of that kind. He would now propose the following resolution:—

That this Council having rejected the Bill to regulate superannuations and other "allowances to persons having held Civil Offices in the Public Service under the Colonial Government," on the ground of want of confidence in the