

or November, with a general cargo and 30 immigrants.

After some further observations from the **COLONIAL SECRETARY** (Hon. F. P. Barlee) the hon. gentleman concluded by moving the following resolutions:—

This Council having carefully considered the report of the select committee appointed to consider and report upon the question of immigration, is of opinion that the several recommendations contained therein may be beneficially adopted, with the following additions and alterations:—

1.—That with a view to secure a supply of immigrants from England with as little delay as possible His Excellency the Governor be requested to take immediate measures to send for a supply of nominated immigrants not exceeding in all 400 statute adults.

2.—That His Excellency be further requested to cause such information on this subject to be circulated throughout the colony as may ensure nominations being received in Perth prior to the departure of the mail for England on the 13th proximo.

3.—That no nominations be received except on printed forms to be obtained in each district of the colony.

4.—It being evident that labor from England cannot arrive in this colony in time to be made available for securing the ensuing harvest, this Council recognizes the advisability of assisting the colonists in procuring Chinese or Javanese coolies, and prays His Excellency the Governor to sanction the expenditure of a sum of money for this purpose not exceeding £1,000. This sum may, in the opinion of the Council, be properly expended by a committee of colonists, who should act as a body of private gentlemen, whose proceedings should, however, be subject to the approval of His Excellency the Governor.

5.—That in the opinion of the Council an humble Address be presented to His Excellency the Governor praying that he will bring under the notice of Her Majesty's Secretary of State for the Colonies the great want of labor at the present time; that he will point out that the colonists are willing to make great sacrifices to procure such labor; that they are now in a position to absorb a larger number of immigrants than at any former period in the history of the colony; and that they

humbly pray that assistance may be rendered to them by sending at Imperial cost a supply of that labor which is so urgently needed. The Council confidently asks this boon in the faith that, had they been able during the continuance of the convict system to absorb the labor now required, it would have been supplied at Imperial and not Colonial cost, and that the present will, in all probability, be the last request for assistance that will be preferred by this Council for such a purpose.

6.—This Council recommends that the clause in the report relating to the encouragement to be offered to Europeans to proceed to this colony from the Eastern colonies be confined to immigrants introduced by private persons in this colony and be not intended to apply to any system of immigration to be carried out by the Government.

7.—That the refund of 10s. a month proposed to be recovered from European immigrants should not be made, as such a course in the opinion of the Council, would have a deterrent effect on persons purposing to emigrate to Western Australia.

8.—That no greater amount of land than 150 acres be allotted to any one family.

Amendment agreed to.

Report of the select committee, as amended, agreed to.

PERTH CITY COUNCIL 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.

The Council adjourned at 10 p.m.

LEGISLATIVE COUNCIL,

Thursday, 30th July, 1874.

Conveyance of English and Colonial Mails—Submarine Telegraph—Spanish Radiab and Scotch Thistle Prevention Bill: in committee—Transfer of Land Bill: third reading—Wines, Beer, and Spirit Sale Act, 1872. Amendment Bill: in committee—Charitable Institutions Bill: select committee report: in committee.

The **SPEAKER** took the Chair at 12 noon.
PRAYERS.

CONVEYANCE OF ENGLISH AND COLONIAL MAILS.

Mr. BICKLEY, in accordance with notice, moved:—

That in the opinion of this honorable Council it is expedient to inquire how far the arrangements entered into with the owners of the steamer *Georgette* have proved conducive to the ends proposed, and also in how far the contract has been carried out with the efficiency and *bona fides* which should be morally binding on the contractors.

The COLONIAL SECRETARY (Hon. F. P. Barlee) read extracts from correspondence that had passed between the Government and the owners of the *Georgette* relative to breach of contract committed during the last trip from Albany; and, the action taken by the Executive in the matter being deemed satisfactory, the motion was withdrawn.

Motion, by leave, withdrawn.

SUBMARINE TELEGRAPH.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved:—

That the request made in the letter to the Colonial Secretary, dated 9th June, 1874, from Messrs. Siemens Brothers, for an exclusive right to land a submarine cable or cables on the western or north-western seaboard of this colony, has the entire approbation of this Council; subject, however, to any arrangements for telegraphic communication with Australia, in contemplation by Her Majesty's Imperial Government.

Question put and passed.

SPANISH RADISH AND SCOTCH THISTLE PREVENTION BILL.

In Committee.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) submitted that any enactment on the subject was premature. There were, at any rate, no facts before the House to warrant it in passing an Act so stringent in its provisions as the measure under consideration, which would prove an instrument of oppression to the small farmer. Moreover, the Bill was a money Bill, and as such it ought to have been introduced by the Government.

Mr. STEERE contended that the hon. member for Greenough had every right to bring in the Bill, introduced as it was at the request of his constituents. He (Mr. Steere), however, thought the measure should be local and not general in the application of its provisions.

The SURVEYOR GENERAL (Hon. M. Fraser) pointed out the difficulties in the way of carrying out the provisions of the Bill in their integrity, and the unpleasant feeling it would inevitably create. He thought the matter might be dealt with, and the object in view as effectively attained, by the farmers of the district where the obnoxious weeds alluded to prevailed forming themselves into a society to eradicate the thistle and radish, and so prevent their further spread.

Mr. BICKLEY said that similar enactments had been passed in most of the other colonies, but in all instances they had subsequently been repealed, or allowed to become a dead letter. According to the *Australasian* journal, the thistle was not altogether a useless plant, but was, on the contrary, conducive to the interests of the sheep owner. He thought there were much stronger reasons in favor of a Bill to eradicate and prevent the spread of the poison plant to prevent the diffusion of the thistle. He would move as an amendment that the Bill be considered in Committee that day six months.

Sir Thomas COCKBURN-CAMPBELL supported the amendment.

The COLONIAL SECRETARY (Hon. F. P. Barlee) suggested that the Bill be discharged from the paper this session, and informed the House that in the event of such information relating to the alleged evils attendant upon the spread of the noxious plants referred to being laid before the Government as would justify the introduction of a Bill, a measure would be introduced by the Government next session dealing with the matter.

Mr. PADBURY counselled prompt action. Mr. HAMERSLEY concurred. Mr. BIRCH and Mr. DEMPSTER supported the Bill, which was further opposed by Mr. PEARSE.

Amendment put, "That the Bill be considered in Committee that day six months," upon which a division was called for, the result being as follows:—

Ayes	6
Noes	10

Majority against	4
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Ayes.	Noes.
The Hon. M. Fraser	Mr. Steere
Mr. Bickley	The Hon. F. P. Barlee
Mr. Burt	Mr. Birch
Mr. Glyde	Mr. Padbury
Mr. Broadhurst	Mr. Dempster
The Hon. G. W. Leake	Mr. Murmion
(Teller.)	Mr. Monger
	Mr. Hamersley
	Mr. Pearse
	Mr. Crowley (Teller.)

Amendment thus negatived.

Clauses 1 to 3 agreed to.

Clause 4: When any such plants shall be growing upon any unoccupied lands of the Crown not under the management or control of any board of roads, or any district council, or other public body, such notice as aforesaid shall be left at the office of the Resident Magistrate of the district, and shall describe the situation of such land, and the Resident Magistrate shall forthwith employ the necessary laborers, and continue to eradicate and destroy such plants on such land as aforesaid—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the clause be struck out.

Amendment agreed to.

Clause 5: In the event of the Resident Magistrate neglecting or refusing to destroy and eradicate such plants, it shall be lawful for the Governor, by warrant under his hand, to direct the Treasurer, out of the ordinary revenue of the colony, to pay to the chairman of the board of roads within each district the expenses attending such destruction and eradication as aforesaid—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the clause be struck out.

Amendment agreed to.

Clause 6: All penalties recoverable under this Act shall be payable one-half to the person laying the information or complaint, and one-half to Her Majesty's Government, excepting in cases where any such information or complaint shall be laid at the instance of any board of roads, when the whole of such penalty shall be paid to such board of roads in aid of the roads of such board. Provided that it shall be lawful for the Governor to remit the whole or any part of such penalty—

Mr. BICKLEY moved that the words after the word "payable" in the first line, "one-half to the person laying the information or complaint, and one-half," be struck out.

Amendment agreed to.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the words "Her Majesty's Government," be struck out and the following words inserted in lieu, "the Colonial Treasurer for the use of Her Majesty, Her heirs and successors for the public use of the said colony, and in support of the Government thereof."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 7—

Mr. CROWTHER moved that after the word "as," the following words be added, "The Spanish Radish and Scotch Thistle Prevention Act."

Amendment agreed to.

Clause, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

TRANSFER OF LAND 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.

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

In Committee.

Resumed debate.

Mr. BIRCH rose in explanation and emphatically denied the truth of a statement promulgated by certain hon. members that in the debate on this Bill on Friday, he had said that all publicans were rogues and dishonest men, and that a publican who could retire in five years' time could not possibly have been an honest man. On the contrary, he had stated his belief that among licensed victuallers, as well as other traders, there were many honest and estimable men.

New clause—

Mr. BIRCH moved that the following stand as clause 4:—No person, however licensed, shall maintain any action for or recover as aforesaid any debt on account of any liquors which shall be sold or delivered in any quantity less than one gallon and delivered or taken away all at one time. Provided that nothing herein contained shall extend to prevent innkeepers or holders of packet licenses from keeping an account with *bona fide* lodgers, passengers, and travellers, in which any charge for liquors may be included and lawfully recovered as part of the amount thereof.

Mr. STEERE opposed the motion on the same ground as he had objected to clause 4 in the Amendment Bill, namely, that it would be an inducement to unprincipled publicans to supply dissolute customers with more liquor than they actually required, and thus tend to increase rather than diminish the evils of intemperance.

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

Ayes 9

Noes 8

Majority for 1

Ayes.
The Hon. F. P. Harlee
The Hon. G. W. Leake
The Hon. M. Fraser
Mr. Bickley
Mr. Glyde
Mr. Broadhurst
Mr. Burt
Sir Thomas Cockburn-
Campbell
Mr. Birch (Teller.)

Noes.
Mr. Steere
Mr. Dempster
Mr. Padbury
Mr. Hamersley
Mr. Monger
Mr. Marmion
Mr. Pearse
Mr. Crowther (Teller.)

New clause thus passed.

New clause—

Mr. BURT moved that the following stand as clause 5:—

Section 16 of 'The Wines, Beer, and Spirit Sale Act, 1872,' shall be read as if the words 'or a packet license' were inserted in the second line thereof, after the words 'temporary license.'

New clause agreed to.

New clause—

Mr. BURT moved that the following stand as clause 6:—

Every person who shall desire to obtain a packet license under the said recited Act shall, fourteen days at least before applying for a certificate authorizing the granting of such license, deliver in to the clerk of the Resident Magistrate or Police Magistrate of the District to the Licensing Magistrates of which he proposes to apply for a license, notice in writing in the form or to the effect of Schedule A.

New clause not agreed to.

Mr. STEERE, with the view of carrying out the recommendations of the select committee, moved that the following stand as clause 6:—

Section 56 of the before recited Act shall be and the same is hereby amended by adding at the end of the section the words as follows:—'Provided, however, that such subsequent offence is committed within a period of twelve months from the commission of the first offence.'

Mr. MARMION seconded and supported the new clause.

New clause agreed to.

New clause—

Mr. BURT moved that the following stand as clause 7:—

That the provisions of section 16 of the said recited Act, requiring that every person applying for a license under that Act should among other things affix on the outer side or front of the principal entrance door of the premises for which a license is applied for the notice in the said section mentioned, shall not apply

to a person applying for a Spirit Merchant's License in the said Act mentioned. Provided, nevertheless, that the said notice shall be published as in the said section provided for.

New clause agreed to.

Preamble—

Mr. BURT moved that the words and figures, "and 1873," be struck out.

Amendment agreed to.

Preamble, as amended, agreed to.

Title agreed to.

Bill reported, with amendments.

CHARITABLE INSTITUTIONS BILL.

Select Committee Report.

Mr. STEERE brought up the report of the select committee appointed to inquire into the provisions of the Bill to promote the efficiency of certain charitable institutions. He moved that the same be read.

Question put and passed.

The report was read by the Clerk.

In Committee.

Clause 1 agreed to.

Clause 2—

Mr. STEERE moved that the words "at pleasure," in the last line, be struck out, and the words "with the advice aforesaid" inserted in lieu.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 3 and 4 agreed to.

Clause 5—

Mr. BIRCH moved an amendment that after the word "herself," in the eighth line, the words "in the presence of a Justice of the Peace, who shall certify that no coercion has been exercised" be inserted.

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

Ayes 6

Noes 8

Majority against 2

Ayes.
Mr. Crowther
Mr. Hamersley
Mr. Monger
Mr. Steere
Mr. Dempster
Mr. Birch (Teller.)

Noes
The Hon. F. P. Harlee
Sir Thomas Cockburn-
Campbell
Mr. Padbury
Mr. Glyde
Mr. Broadhurst
Mr. Marmion
Mr. Pearse
The Hon. G. W. Leake
(Teller.)

Amendment thus negatived.

Clause agreed to.

Clause 6—

Mr. STEERE moved that between the words "him" and "as," in the third line, the following words be inserted, "or taken into any such institution"; and that between the words "offender" and "shall," in the fifth line from the bottom, the words "not being of the Aboriginal race" be inserted.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 7 agreed to.

Clause 8—

Mr. STEERE moved that the word "has," in the first line, be struck out and the following inserted in lieu, "shall have"; and that between the words "months" and "been," in the second line, the following words be inserted, "after the passing of this Act"; and that all words between the word "person" in the sixth line and "to" in the seventh line be struck out.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 9: Whenever any offender (being a male under the age of fourteen years, or being a female under the age of sixteen years) is convicted on information or indictment, or in a summary manner of an offence punishable with penal servitude or with imprisonment, and is sentenced to be imprisoned or kept in penal servitude for a longer term than three days, the Governor in Executive Council may, by writing under his hand, order and direct such offender to be sent to any such institution as aforesaid as shall be willing to receive such offender, and to be there detained for a period of not less than two years and not more than five years; and such period shall not, in case of a male, extend beyond his attaining the age of fourteen years, nor in case of a female extend beyond her attaining the age of sixteen years—

Mr. BIRCH desired that his dissent from this clause be recorded, as he objected on principle to juvenile offenders being sent to the institutions at present existing in this colony under the name of orphanages, whose inmates would be contaminated by association with youthful criminals, for whom the State ought to provide an industrial school, or reformatory.

Clause agreed to.

Clauses 10 to 17 agreed to.

New clause—

Mr. STEERE moved that the following stand as clause 18:—

If it shall be represented to any Justice of the Peace that there is in his district

any person descended from the Aboriginal race, being a child apparently under the age of twelve years, who is not living under the care or guardianship of either father or mother, it shall be the duty of the said Magistrate to make inquiry concerning the child referred to; and if after careful inquiry it shall be found that the child is not living under the care or guardianship of either father or mother, it shall then be lawful for the said Magistrate to assume the guardianship of such child in the name of the Government, and to hand him or her over to the care of some person who holds a certificate of approval from His Excellency the Governor as manager of a school or institution for maintaining and teaching descendants of the Aboriginal race.

Mr. PADBURY was of opinion that the power given by this clause to Justices of the Peace might be beneficially extended so as to enable them to assume the guardianship, for the purposes of this Act, of all Aboriginal children, whether living under the care of a father or mother, or not.

Mr. CROWTHER concurred.

New clause agreed to.

New clause—

Mr. STEERE moved that the following stand as clause 19—

The word "infant" in this Act shall mean "infant, child, or person."

New clause agreed to.

New clause—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the following stand as clause 20:—

It shall be incumbent on the Managers of every School, Orphanage, or Institution formed for the purpose of providing for and educating orphan and necessitous children, or children or descendants of the Aboriginal race, who shall receive children for the maintenance of whom public funds shall be expended, to make whenever requested by the Governor so to do, a return to the Colonial Secretary, showing the proceedings of such School, Orphanage, or Institution, and such return shall be placed on the table of the Legislative Council within seven days after the commencement of the session next succeeding the date of such return. Any such Institution as aforesaid shall at all

reasonable times be open to inspection by any person authorized by the Government to inspect the same.

New clause agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

The Council adjourned at 4.45 p.m.

LEGISLATIVE COUNCIL,

Monday, 3rd August, 1874.

Constitution Bill: first reading—Electoral Districts Plan—Spanish Radish and Scotch Thistle Prevention Bill: third reading—Wines, Beer, and Spirit Sale Act, 1872. Amendment Bill: recommitment—Charitable Institutions Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

CONSTITUTION BILL.

First Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving for leave to introduce a Bill to establish a Constitution for Western Australia, and to grant a Civil List to Her Majesty, said—I am quite aware that it has not been usual in this House, in moving for leave to bring in a Bill, to make any lengthy statement; but I think it is exceedingly desirable, for many reasons, that in submitting the motion I have to make tonight, I should enter at considerable length upon a review of the measure which I now ask leave to introduce. It is the usual custom in the House of Commons, when a Minister introduces any very important measure to enter upon a statement of the reasons that induced the Government to do so, and to dilate upon various matters connected therewith; and though, as I have already said, such a custom has not hitherto obtained here, I think it exceedingly desirable that in this instance I should deviate from the course heretofore adopted in this House. The first, and principal reason why I take this course is that I think it extremely desirable that before the Bill which I have tonight to ask leave to introduce is placed in the hands of hon. members, and before they proceed to discuss it at all, the principles which have actuated the Government in framing it should be clearly and unmistakeably understood. Another

reason why I think it desirable to adopt the unusual course I propose to do with regard to the introduction of this Bill, is that thereby time may be saved, and that the deliberations of this Council may, in accordance with the expressed wish of country members, be brought to as early a close as possible. The business of the session is now approaching to an end, and I am not aware that, with the exception of this Bill and the Estimates, there is any other matter of any importance likely to be brought under the consideration of the House. I therefore deemed it expedient that hon. members should without any delay on my part be made aware of the principles that had guided the Government in framing the Bill, that they should be assisted in arriving at an understanding of its general scope and provisions by an endeavor on my part to lay before them as clearly as I can, though, I fear at very considerable length, a review of its most important features. I will first of all state that the Bill is brought forward by His Excellency the Governor in pursuance of a resolution, adopted, almost unanimously, by this House, a few days ago; and he has sent down for the consideration of the Council such a measure as he thinks may probably—he does not say, will—but probably may meet the concurrence of Her Majesty's Government, and such as he believes will meet the requirements of this colony. I am sure that every hon. member will agree with me that it is exceedingly desirable that in dealing with a measure of this nature and of this importance every possible delay should be avoided, and that every obstacle in the way of an early and satisfactory settlement of the question should be removed; that anything likely to lead to an interminable correspondence, in the shape of controversy between the Imperial Government and the Government of this colony relating to the contemplated constitutional changes, should be as far as possible avoided. I, therefore, ask hon. members to approach the consideration of the important question involved in the Bill which I now introduce in a spirit of conciliation and mutual forbearance—in a spirit superior to all party, personal, or petty feeling; for I conceive that unless we, one and all, at this crisis in the history of the colony, approach its consideration actuated by this feeling alone, such divergence of opinion may arise as may preclude the possibility of the question being brought to a successful or satisfactory issue. It is not my intention, of course, tonight to enter into the details of the Bill, but merely broadly to sketch its main principles. Of course it will be competent for the House to modify and to alter those principles, but it must be assumed