

## LEGISLATIVE COUNCIL,

Tuesday, 15th July, 1873.

Petition of Chairman of City Band of Hope and Temperance League—W.A. Central Committee of Sydney Intercolonial Exhibition: in committee—Leave of Absence—Cart Licensing Bill: first reading—Subdivision of Road Districts Bill: first reading—District Survey Office, Albany—Pearl Shell Fishery Regulation Bill: in committee—Local Revenues in Northern District Bill: in committee—Public Works Loan Bill: third reading.

The SPEAKER took the Chair at 12 noon.

PRAYERS.

PETITION OF CHAIRMAN OF CITY  
BAND OF HOPE AND TEMPERANCE  
LEAGUE.

Mr. PADBURY presented a petition from Mr. T. Farmer, Chairman and President of the City Band of Hope and Temperance League, praying for some pecuniary assistance to enable them to erect a temperance hall.

The petition was received and read by the Clerk.

W.A. CENTRAL COMMITTEE OF  
SYDNEY INTERCOLONIAL  
EXHIBITION.

In Committee.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the recommendation of the Western Australian Central Committee for the Sydney Exhibition, in regard to an honorarium to be given to the Colonial Secretary (Hon. F. P. Barles) in part payment for expenses incurred by him, and an honorarium to be given to Mr. Weld-Blundell, be adopted; and that the sum expended (as shown by account) by the committee be approved. He said that the sums involved were 120 guineas for the Colonial Secretary and 20 guineas for Mr. Weld-Blundell in recognition of his services as honorary secretary to the Central Committee.

Mr. PADBURY seconded the motion.

Question put and passed.

LEAVE OF ABSENCE.

Mr. STEERE, in accordance with notice, asked that leave of absence be granted to Mr. Carr, the member for Perth.

Motion agreed to.

CART LICENSING BILL.

First Reading.

Mr. STEERE, in accordance with notice, moved for leave to introduce a Bill to provide for the licensing of carts.

The Bill was read a first time.

SUBDIVISION OF ROAD DISTRICTS  
BILL.

First Reading.

Mr. STEERE, in accordance with notice, moved for leave to introduce a Bill for the subdivision of road districts.

The Bill was read a first time.

DISTRICT SURVEY OFFICE, ALBANY.

Mr. HASSELL, in accordance with notice, asked the Surveyor General how it was that there was no information to be obtained at the District Survey Office, Albany, and he further asked when that information was likely to be obtained.

The SURVEYOR GENERAL (Hon. M. Fraser) said that he would endeavor to furnish new and corrected maps, if possible, before the end of the year.

PEARL SHELL FISHERY REGULATION  
BILL.

In Committee.

Resumed debate.

Mr. STEERE proposed that the consideration of the measure be for the present postponed, in order to enable the Government to cause the amendments to be printed and incorporated in the Bill.

This being agreed to, progress was reported and leave given to sit again.

LOCAL REVENUES IN NORTHERN  
DISTRICT BILL.

In Committee.

Clause 1 agreed to.

Clause 2—

Debate ensued.

Clause agreed to.

Clause 3—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved in line two to omit the words "or boat."

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved in the first line on the third page to omit the words "or boat."

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved to omit all the words between the word "ship" in the fifth line, and the word "in" in the eighth line.

Amendment agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved in the 10th, 11th, 14th, 16th, and 21st lines respectively, to omit the words "or boat."

Amendment agreed to.

Mr. MARMION moved that the clause, as amended, be postponed.

Question put and passed.

Clause 4 agreed to.

Clause 5—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the word "forty" in the second line be struck out and the word "twenty" inserted in lieu; and after the word "pounds" in the sixth line the words "nor more than thirty pounds," be inserted.

Debate ensued.

Amendments agreed to.

Clause, as amended, agreed to.

Clause 3, as amended, agreed to.

Clauses 6 to 8 agreed to.

New clause—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the following stand as a new clause:—

There shall be payable to any Collector of Customs the sum of three pounds per ton by way of royalty in respect of any pearl shells taken in any of the waters of the Colony. Any ship licensed under this Act to be used or employed in the pearl shell fishery shall on taking out such license deposit with the Licensing Board from whom such license is obtained the copy of her register as security for the payment of the said royalty.

Debate ensued.

Mr. BICKLEY moved to add the words "Provided that the royalty on the smaller shells exported from Shark's Bay shall not exceed 10s. per ton."

Amendment agreed to.

Debate ensued.

The SURVEYOR GENERAL (Hon. M. Fraser) moved that the words "Provided that the royalty on the smaller shells exported from Shark's Bay shall not exceed 10s. per ton" be struck out, and the following words inserted after the word "Colony," "excepting all small shells from Shark's Bay, on which there shall be no royalty or export duty charged."

Amendment agreed to.

Mr. MARMION moved that the word "three" be struck out and the word "two" inserted in lieu.

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

Ayes ..... 8

Noes ..... 5

Majority for ..... 3

Ayes.	Noes.
Mr. Bickley	The Hon. F. P. Barlee
The Speaker	The Hon. M. Fraser
Mr. Pearce	Mr. Russell
Mr. Steere	Mr. Hassell
Mr. Dempster	The Hon. H. H. Hocking
Mr. Padbury	(Teller.)
Mr. Monger	
Mr. Marmion (Teller.)	

Amendment thus passed.

New clause, as amended, agreed to.

Clause 9—

Mr. STEERE moved that in the third, fifth, seventh, and 10th lines from the top the word "letters" be struck out and the word "figures" inserted in lieu, and in the seventh line the word "stern" be struck out, and the word "bow" inserted in lieu.

Amendments agreed to.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that after the word "offence" in the last line, the words "which shall be cognizable before two Justices of the Peace who on proof thereof shall inflict a fine or penalty not exceeding Five pounds," be inserted.

Amendment agreed to.

Clause, as amended, agreed to.

Clauses 10 to 12—

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that these clauses be struck out.

Amendment agreed to.

Clause 13—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved to insert after the word "licenses" in the first line the words "Royalties and otherwise," and to strike out the word "and" in the ninth line, and insert after the word "penalties" the words "Royalties and otherwise."

Amendments agreed to.

Clause, as amended, agreed to.

Schedule—

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved to strike out the word "forty" and insert the word "twenty" in lieu.

Amendment agreed to.

Schedule, as amended, agreed to.

Preamble agreed to.

Title agreed to.

Bill reported, with amendments.

### PUBLIC WORKS LOAN 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 4 p.m.

### LEGISLATIVE COUNCIL,

Wednesday, 16th July, 1873.

Memorial of Mr. James Manning: motion for committee stage: in committee—Supreme Court resolutions: Speaker's ruling—Petition of Chairman of City Band of Hope and Temperance League: in committee—Increase of Members in Legislative Council Bill: in committee—Wines, Beer and Spirit Sale Act, 1872, Amendment Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

### MEMORIAL OF MR. JAMES MANNING.

Motion for Committee Stage.

Mr. MARMION, in accordance with notice, moved that the House do resolve itself into a Committee of the whole, to consider the prayer contained in the memorial of Mr. James Manning.

Question put and passed.

In Committee.

Debate ensued.

Mr. MARMION moved that an humble Address be presented to His Excellency the Governor, praying that he will be pleased to grant to Mr. James Manning the sum of £150, in recognition of the services rendered by him to the colony.

Question put and passed.

### SUPREME COURT.

Resolutions.

The COLONIAL SECRETARY (Hon. F. P. Barlee) in accordance with notice, rose to move the following resolutions:—

1.—That in the opinion of this Council any Bill affecting the constitution or regulation of the Supreme Court should

make provision for the appointment of two Puisne Judges, and for the constitution of a Court of Appeal.

2.—That in the opinion of this Council such an arrangement would not only be satisfactory in its nature but it would enhance the dignity and authority of the Supreme Court of Judicature, which it is the desire of this Council and the interest of Her Majesty's subjects in this Colony to uphold.

3.—That any Bill affecting the constitution of the Supreme Court or regulating it, should be prepared after mature consideration, and with the aid of the best obtainable advice, and should be brought forward by the Government or by the accepted leader of a party avowedly ready to take office as Responsible Minister.

4.—That this Council, having regard to its own self-respect and dignity, declines to consider a Bill the sole result of which would be either to debar one learned gentleman from the legitimate exercise of his profession in this Colony, or, as an alternative, to oblige The Chief Justice to resign, no charge or imputation upon either of those gentlemen having been ever made or investigated.

Mr. LOGUE rose to a point of order. The resolutions which it was proposed to move referred to a Bill, the second reading of which had been made an order of the day for the following Friday, and it was not competent for the House to take into its consideration any resolutions relating to the Bill at an earlier date. This rule was clearly laid down in pages 246, 454, and 457 of May's Parliamentary Practise, and he contended that the hon. gentleman would only be in order in moving his resolutions on the second reading of the Supreme Court Ordinance Amendment Bill. If he (Mr. Logue) rightly understood the drift of the resolutions, they were, in effect, that no hon. gentleman in the House, except a member of the Government, should be allowed to introduce a Bill affecting the constitution of the Supreme Court or regulating it, or any measure of such a nature; but Sir Robert Peel, in 1844, averred that individual and private members of Parliament had a right to introduce such measures as they thought fit, without the consent of the Government. The hon. member quoted several precedents where this had been done, and concluded by submitting that the hon. the Colonial Secretary was not in order in then moving the resolutions which stood in his name.