

### ADDRESS IN REPLY TO THE GOVERNOR'S SPEECH.

The SPEAKER announced to the Council that the Address to His Excellency the Governor, adopted on the 10th instant, had been presented in accordance with the resolution of the House to His Excellency the Governor.

### MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in accordance with notice, moved that the first proceeding of each day shall be the reading and confirmation of the Minutes of the preceding sitting day.

Question put and passed.

### FIRST READINGS.

The following Bills were read a first time, in accordance with notice, on motions by the Colonial Secretary (Hon. F. P. Barlee): Confirmation of Expenditure Bill, Dangerous Goods Bill, Exportation of Arms and Munitions of War Bill, Maintenance of Bastard Children Bill, Licensing of Public Houses Bill, Distillation Bill, Powers to Grant Commissions given to Chief Justice Bill, and Elementary Education Bill.

### SURVEY DEPARTMENT RE-ORGANIZATION.

Mr. LOGUE, with leave, without notice, moved that the Surveyor General's proposition for the re-organization of the Survey Department be printed, and a copy placed in the hands of each hon. member before discussion takes place.

Question put and passed.

The Council adjourned at 5.30 p.m.

### LEGISLATIVE COUNCIL,

*Wednesday, 12th July, 1871.*

Circular Warrants—Papers Tabled—Standing Orders—  
Customs Tariff: select committee—Trial of Kenneth  
McLean and Others—Lucifer Matches Bill: leave to  
introduce—Scab in Sheep Bill: first read-  
ing—Refreshment Room.

The SPEAKER took the Chair at 4 p.m.

PRAYERS.

The Minutes were read and confirmed.

### CIRCULAR WARRANTS.

In reply to Mr. STEERE,

The ATTORNEY GENERAL (Hon. R. J. Walcott) said that as, in all probability, he would be unable to attend the sittings of the Council on the following day, he would, with the permission of the House, at once proceed to answer the questions propounded by the hon. member for Wellington. With regard to the first of these queries, he would state that the particular case alluded to had not been brought under his notice, officially. A short time ago he had a very lengthy correspondence with the late Attorney General on the subject of circular warrants, and he then discovered that that gentleman had imparted very good advice indeed to the Superintendent of Police with reference to these warrants, to the effect that police constables should always take a certain amount of responsibility upon themselves. In the case of a person guilty of some heinous offence it might often be advisable that the police should be empowered, at any time and place, to arrest the offender under a circular warrant, and cause him to be transmitted to that part of the colony where the offence was committed, and where the original warrant for his apprehension had been issued. Some discrimination, however, should be exercised in the execution of such warrants, and in no cases should an arrest be made where the enormity or peculiarity of the offence, the exigencies of justice, and the public weal did not demand it. The only case that had been brought under his cognizance was one that occurred at Dongarra, two months ago, where a servant had been arrested under a circular warrant on the information of the employer for breach of contract. The hon. and learned gentleman was proceeding to make some observations with reference to the 4th Victoria which relates to the practice of issuing circular warrants, when

Mr. STEERE rose and said that as he had some observations to offer on the questions upon which he had notified his intention of interrogating the Attorney General on the following day, it was very inconvenient that the hon. and learned gentleman should then enter into any explanations. If the hon. member would be unable to attend at the House next day, the Colonial Secretary, in his absence, would, doubtless, be able to supply the information which he required.

The COLONIAL SECRETARY (Hon. F. P. Barlee) stated that he was tolerably conversant with the questions before the House, and, in the absence of his honorable and learned colleague, he would endeavor to answer them to the satisfaction of the hon. member opposite.

## PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the Table of the House memorandum of proposed Land Regulations to be submitted for the consideration of the Legislative Council by order of His Excellency the Governor.

## STANDING ORDERS.

Upon the Notice of Motion standing in the name of the Surveyor General being called—

That the Standing Orders of this Council be amended, so far as concerns the hours on which the House at present meets, to the hour of six o'clock, p.m., on Monday, Wednesday, and Friday, and to the hour of 12 noon, on Tuesday and Thursday.

The SURVEYOR GENERAL (Hon. M. Fraser) moved:—

That Standing Order No. 2 be suspended; and that the following regulations be observed in lieu thereof:—That the Speaker shall take the Chair at six o'clock in the evening, on Mondays, Wednesdays, and Fridays; and at 12 noon, on Tuesdays and Thursdays; and if half-an-hour subsequent to his taking the Chair there be not present six members, exclusive of the Speaker, the Speaker shall adjourn the Council. That on those days when the Council meets at noon it shall sit till six o'clock in the evening, unless sooner adjourned. That at the commencement of each session of this Council the Speaker shall take the Chair at such hour as His Excellency the Governor shall convene the Council. In the event of the unavoidable absence of the Speaker, the Council may forthwith elect one of their number to be Chairman of the Council during such absence, and that the person so elected shall have all the rights and powers of the Speaker.

The SPEAKER called the attention of the hon. member to the 116th clause, which recited that the whole of the Standing Rules shall continue in force until the dissolution of the Council; and, before proceeding any further with the debate, he would be glad to have the opinion of the House on that point.

The COLONIAL SECRETARY (Hon. F. P. Barlee) pointed out that the preceding rule (115th) empowered the House, providing two-thirds of the members were present, to alter and amend any of the Standing Orders.

The SPEAKER replied that, so far as he was concerned, he had no objection to the

proposed alterations, but he would prefer having the views of the House on the subject.

The SURVEYOR GENERAL (Hon. M. Fraser) thought he would have the majority of the House with him as regarded the desirability of altering the hours of meeting at the present season of the year. It was very inconvenient to meet at the present hour in the afternoon, between daylight and dark, with "evening's shadows gathering around." Moreover, it was a very inconvenient hour for official members, who were compelled, upon leaving their respective offices, to proceed at once to the Council, being thus deprived of exercise and recreation. Country members would agree with him that the proposed hour of meeting on Monday, Wednesday, and Thursday, would enable them to avail themselves of the whole day for business; while morning sittings on Tuesday and Thursday would render it convenient for hon. members to attend gubernatorial entertainments and hospitalities, generally fixed for those evenings.

After a few observations from the SPEAKER, Mr. STEERE, and Mr. LOGUE, the question that Rule 2 (which relates to the hours of meeting) be suspended, was put and carried.

Mr. STEERE proposed an amendment to the effect that on Tuesdays and Thursdays the hours of sitting should be from 12 noon, until 6 p.m., unless the House previously adjourned.

The SPEAKER pointed out the fact that there seemed to exist some doubts as to whether His Excellency the Governor was empowered to summon the Council to meet at any time, hour, and place that he might deem expedient, and he thought that the sooner the better any doubts on the subject were dispelled. If His Excellency was not invested with that power, he ought to be.

The ATTORNEY GENERAL (Hon. R. J. Walcott) said that all the difficulties and objections which had been raised during the discussion appeared to have arisen out of Rule 116, which appeared to him to be an anomaly. In England, and in all the colonies where he had been residing, the Standing Orders of the Legislature remained in force only during the continuance of the then existing session; and, at the inauguration of a new session, the first duty of the legislative body was to frame its own rules and regulations anew.

The COLONIAL SECRETARY (Hon. F. P. Barlee) remarked that in framing the rules he had consulted the Standing Orders of the legislative bodies of all the Australian colonies, and in the majority of cases a similar rule

was in force. In the House of Commons, which was our great guide in such matters, it was not customary to alter the Standing Orders at the commencement of each session, but simply when a new Parliament met and the election of a Speaker was necessitated.

Mr. STEERE observed that according to one rule the Governor was empowered to summon the Council to meet at any time and place as occasion might require, whereas, from another rule it appeared that the House was bound, hard and fast, to meet only at certain specified hours. This, he thought, was placing His Excellency on the horns of a dilemma.

The ATTORNEY GENERAL (Hon. R. J. Walcott) said the best plan would be to take the bull by the horns, and break his neck at once by getting rid of the obnoxious rule.

After some further discussion, it was agreed that the existing Rule 2, be rescinded, and another was drawn up by the Hon. Colonial Secretary, embodying the Surveyor General's motion and Mr. Steere's amendment.

#### CUSTOMS TARIFF.

Select Committee.

Mr. LOGUE, in accordance with notice, moved that a select committee be appointed to take the Customs Tariff of the colony into consideration, as soon as the Estimates for 1872 are placed in the hands of hon. members. And, with leave, that such committee consist of Mr. Newman, Mr. Gull, Mr. Shenton, Mr. Monger, and the Mover.

Mr. MARMION objected to the preponderance of the mercantile element introduced into the committee, and moved as an amendment that the select committee be appointed by ballot.

This proposal was agreed to, and ballot papers having been distributed among hon. members,

The SPEAKER announced the result to be that the Hon. the Colonial Secretary and the Hon. the Attorney General, and Mr. Logue, Mr. Shenton, and Mr. Newman, were appointed to form the select committee.

Question thus passed.

#### TRIAL OF KENNETH McLEAN AND OTHERS.

Mr. LOGUE, in accordance with notice, moved that the Colonial Secretary lay upon the Council table, as soon as possible, all papers relating to the apprehension and trial of Mr. Kenneth McLean, Mr. Peter Headland, and others, last March at Geraldton, including the depositions on which proceedings were

taken and warrants issued, and an account of all expenses incurred both before and after issue of warrants, in a detailed form. He said that he wished it to be clearly understood that in his opinion the action taken by the Government in this matter was perfectly legitimate, and that no unnecessary expenses had been incurred. Nevertheless, an idea had gained circulation that such was not the case, and it was better that the whole affair should be cleared up. He quite agreed with the principle of protecting the Aboriginal natives at the north-west coast; not, however, from any mawkish feeling of sentimentality, but because he looked upon them as a very valuable commercial commodity. (Laughter). The gentlemen who were apprehended and tried on the occasion referred to, had, moreover, been subjected to great inconvenience, and considerable expense, and it would be very satisfactory to them to have the whole matter ventilated.

The COLONIAL SECRETARY (Hon. F. P. Barlee) expressed his willingness to comply with the request of the hon. member for Geraldton, at the very earliest opportunity.

Question put and passed.

#### LUCIFER MATCHES BILL.

Leave to Introduce.

Mr. LOGUE, on the order of the day for moving for leave to introduce a Bill to prohibit the importation, sale, and use of dangerous lucifer matches, said, that, after some conversation with the Hon. the Attorney General, he found that the requirements of such a Bill would be met by the introduction of the promised Bill for the carriage and safe-keeping of explosive and dangerous goods. He would, therefore withdraw his motion.

Motion, by leave, withdrawn.

#### SCAB-IN-SHEEP BILL.

First Reading.

Mr. LOGUE, in accordance with notice, moved for leave to introduce a Bill for the prevention and cure of scab in sheep.

The Bill was read a first time.

#### REFRESHMENT ROOM.

Mr. SHENTON, with leave, without notice, moved that a Refreshment Room be provided for the convenience of hon. members attending the House. Some such arrangement would be rendered imperatively necessary during the afternoon sittings.

The **SURVEYOR GENERAL** (Hon. M. Fraser) seconded and supported the motion.

The **ATTORNEY GENERAL** (Hon. R. J. Walcott) moved that a committee, consisting of the Hon. the Surveyor General, Mr. Shenton, and Mr. Carr, be appointed to report on the subject.

Question put and passed.

The Council adjourned at 5.30 p.m.

## LEGISLATIVE COUNCIL,

*Friday, 14th July, 1871.*

Standing Orders—Importation of Flour and Wheat—Circular Warrants—Trespass by Live Stock—Municipal By-laws—Publican's License at Port Walcott—Library: select committee—Dangerous Goods Bill: second reading—Confirmation of Expenditure Bill: second reading—Exportation of Arms and Munitions of War Bill: second reading—Maintenance of Bastard Children Bill: second reading—Powers to Grant Commissions given to Chief Justice Bill: second reading—Naturalization of Aliens Bill: second reading—Confirmation of Expenditure Bill: in committee—Dangerous Goods Bill: in committee—Exportation of Arms and Munitions of War Bill: in committee—Maintenance of Bastard Children Bill: in committee—Powers to Grant Commissions given to Chief Justice Bill: in committee—Naturalization of Aliens Bill: in committee—Survey Department Re-organization: in committee.

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

**PRAYERS.**

The Minutes were read and confirmed.

## STANDING ORDERS.

The **SPEAKER** reported to the Council that the substituted Standing Order adopted by the House on the 12th instant had been submitted to His Excellency the Governor, and that he had been pleased to approve the same.

## IMPORTATION OF FLOUR AND WHEAT.

Mr. **STEERE**, in accordance with notice, moved for a return of the quantity of flour and wheat that had been imported into the colony during each of the last four years, and for the first six months of this year.

He was informed that it was impracticable to produce a return exactly in that form, inasmuch as the invoices are made out for flour and meal, and corn and other grain together.

Question put and passed.

## CIRCULAR WARRANTS.

Mr. **STEERE**, in accordance with notice, asked the Attorney General whether his attention had been called to the case of a man

who was arrested on a circular warrant at Fremantle, and discharged in consequence of its informality by the Resident Magistrate; and whether it was his intention to take any steps to obviate such an uncertain state of the present practice of issuing circular warrants.

The **ATTORNEY GENERAL** (Hon. R. J. Walcott) replied that until the notice of motion had been given by the hon. member his attention had not been called to the case referred to. Further, he did not think that any steps should be taken, but he had drawn the attention of the Inspector of Police to the matter, and he did not think it would occur again.

## TRESPASS BY LIVE STOCK.

Mr. **STEERE**, in accordance with notice, asked the Colonial Secretary whether it was the intention of the Government to introduce a Bill to consolidate and amend the laws relating to trespass by live stock.

The **COLONIAL SECRETARY** (Hon. F. P. Barlee) replied that it was not the intention of the Government to introduce a Bill. A select committee of the late session of the Council advised that a select committee should be appointed during the current session to amend and consolidate the Branding and Trespass Ordinances.

## MUNICIPAL BY-LAWS.

Mr. **STEERE**, in accordance with notice, asked the Colonial Secretary whether the municipal by-laws which had been sanctioned by the Executive, and which permit of a license being levied on all carriages which are kept in the towns for a period longer than seven days, were applicable to the colonists generally, or only to persons resident in such towns.

The **COLONIAL SECRETARY** (Hon. F. P. Barlee) replied that the by-laws referred to could merely carry out the clauses of the Acts to which they bear reference. He said the tax can only be levied on persons residing within the jurisdiction of the several towns in which they live, and not on visitors to such towns.

## PUBLICAN'S LICENSE AT PORT WALCOTT.

Mr. **LOGUE**, in accordance with notice, asked the Colonial Secretary whether there was any objection on the part of the Executive to grant a publican's license at Port Walcott on the north-west coast, and if, so, what was the objection. Also, if any application for such license had been made and refused, on what grounds had it been refused.