

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved the insertion of the following words after the words "not to be drunk on the premises" in the fourth line of the clause:—"Provided that for the purpose of this section the word "premises" shall mean any house licensed under this clause, and also the appurtenances thereunto belonging over which the licensee may reasonably be supposed to be able to exercise supervision; and provided that nothing herein contained shall prevent such licensee from supplying such colonial wine, cider, or perry, for the use of his household, or for the use of servants residing on his premises."

Mr. LOGUE, Mr. BROCKMAN, and Mr. DRUMMOND strenuously opposed the amendment.

Amendment put, "That the words proposed to be added be added," upon which a division was called for, the result being as follows:—

Ayes ..... 11  
Noes ..... 6

Majority for 5

<p>Ayes. Mr. Steere Mr. Carey Mr. Hassell Mr. Shenton Mr. Monger Mr. Russell Mr. Marmion Mr. Bickley The Hon. M. Fraser The Hon. R. J. Walcott The Hon. F. P. Barlee (Teller.)</p>	<p>Noes. Mr. Brockman Mr. Drummond Mr. Newman Mr. Pearce The Speaker Mr. Logue (Teller.)</p>
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Amendment thus passed.

Postponed clause, as amended, agreed to.

Clause 3—

Mr. STEERE, with leave, moved that the words "twenty-five gallons," be inserted in lieu of "five gallons."

Amendment agreed to.

Clause, as amended, agreed to.

Schedules agreed to.

Bill reported, with amendments.

#### DUTIES ON IMPORTED GOODS REPEAL BILL.

#### ADDITIONAL DUTIES ON TARIFF ACT, 1872, BILL.

Select Committee Report:  
Suspension of Standing Orders.

Mr. CARR moved that the Standing Orders be suspended, with a view to the consideration of the report of the select committee on the Tariff Bills.

Question put, "That the Standing Orders be suspended," upon which a division was called for, the result being as follows:—

Ayes ..... 10  
Noes ..... 7

Majority for 3

<p>Ayes. The Hon. F. P. Barlee The Hon. M. Fraser The Hon. R. J. Walcott Mr. Bickley Mr. Marmion Mr. Russell Mr. Pearce Mr. Newman Mr. Drummond Mr. Carr (Teller.)</p>	<p>Noes. Mr. Monger Mr. Carey Mr. Hassell Mr. Brockman Mr. Shenton Mr. Staere Mr. Logue (Teller.)</p>
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Question thus passed.

The Council adjourned at 3 p.m.

#### LEGISLATIVE COUNCIL,

Wednesday, 21st August, 1872.

Exploration by Mr. J. Forrest: in committee.—Torrens Act—Pilgrimage Charges—Receipts and Expenditure of Telegraph Company—Case of Thomas Hiden—Duties on Imported Goods Repeal Bill: Additional Duties on Tariff Act, 1872, Bill: second reading: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

#### EXPLORATION BY MR. J. FORREST.

In Committee.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Council resolve itself into a Committee of the whole, and recommend that an humble Address be presented to His Excellency the Governor, requesting that he will be pleased to cause the sum of £400 to be placed on the Estimates for 1873, in furtherance of the expenses proposed to be incurred by Mr. John Forrest in exploring the interior of this colony. The hon. gentleman having explained the objects of, and intimated the route proposed to be traversed by, the expedition, informed the House that Mr. Forrest calculated that the expenses would amount to about £600, towards which he (Mr. Forrest) was prepared to raise £200 by private subscriptions. His Excellency the Governor was strongly in favor of the proposed undertaking, and looking at the great benefits which might accrue from the expedition, apart from the scientific knowledge which would be gained thereby, His Excellency looked upon the House to favorably consider the proposed undertaking. In this the Colonial Secretary also concurred.

Mr. STEERE regretted that he could not assent to the motion. He thought our public funds were not in such a flourishing state as to justify us in expending them in exploration for scientific purposes. At any rate, he thought the consideration of the proposition ought to be postponed until the Estimates were submitted to the House.

The SURVEYOR GENERAL (Hon. M. Fraser) would deeply regret and deplore if the House declined to grant the small sum asked for, considering the vastness of the proposed undertaking, and the important results, scientific and otherwise, which must result from such an expedition as that contemplated by Mr. Forrest, who had come forward most handsomely with private subscriptions towards defraying the cost of the undertaking, with the view of solving the great mystery that existed as to the interior of the country.

Mr. DRUMMOND, in rising to support the motion before the House, did so under a full impression of the importance of the undertaking, and the beneficial results that, in all probability, would accrue to this colony, consequent upon it. Many thousands of square miles of the interior of the country was as yet a *terra incognita*, and he certainly thought that after 42 years' residence in the colony it was about time that we should attempt to find out what the country really consisted of. He was thoroughly convinced that there were vast tracts of good country in the direction proposed to be traversed by the expedition, and he thought that money voted for no other purpose could be better expended, in a new country, than in exploration. He understood that the settlers in Champion Bay district were willing to come forward, in a most liberal spirit, to support the undertaking, and he was aware that a large number of gentlemen who were not at all personally interested in the parts proposed to be traversed, had come forward very handsomely with private subscriptions towards the exploration fund. Looking at this gratifying fact, and looking, also, at the manifest advantages to be derived from the proposed expedition, he trusted that the House would assent to the motion, which he had much pleasure in supporting.

The SPEAKER feared that, if all these comparatively small sums which, day after day, the House was asked to memorialize the Governor to place on the Estimates, were to be voted, a considerable increase of taxation would have to be provided to carry them out. He, therefore, considered that the House, which was the holder of the public purse strings, should be very careful before it untied

them on every application for assistance. On the distinct understanding that if the motion was now affirmed, the House would not necessarily be pledged to vote the item when the Estimates came to be considered, he would support the resolution; but, on no other ground.

The COLONIAL SECRETARY (Hon. F. P. Barlee) concurred that the House ought to be careful over the public expenditure, and if upon consideration of the Estimates it was thought advisable to withdraw the present or any other item of the same nature, he would have no objection. The motion before the House was a mere preliminary resolution, to be carried out if affirmed upon consideration of the Estimates.

After some further observations from Mr. LOGUE, Mr. SHENTON, the SURVEYOR GENERAL (Hon. M. Fraser), Mr. NEWMAN, and Mr. BICKLEY, Mr. STEERE said that no doubt the majority of the House were in favor of the motion being withdrawn, and he was empowered to state that the hon. members for York and Albany were prepared to withdraw similar motions that stood in their names, on condition that the hon. the Colonial Secretary withdraw his resolution, on the understanding that these applications for aid should be further considered when the Estimates were before the House.

Motion withdrawn.

#### TORRENS ACT.

Mr. BROCKMAN, in accordance with notice, asked the Colonial Secretary whether it was the intention of the Governor in a future session of the Council to introduce a Bill similar to the Torrens Act of South Australia, to simplify the title to and the dealing with estates in land.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that it was not the intention of the Government at the present session to introduce a Bill similar to the Torrens Act of South Australia, but that during the recess the Government would collect every possible information with regard to the probable revenue that would be derivable from such an Act in this colony, as well as the probable expense of carrying out its provisions, with the view of bringing forward such a measure, or one analogous to it, at the next session of the Council.

#### PILOTAGE CHARGES.

Mr. BICKLEY, in accordance with notice, asked the Colonial Secretary whether there

was any objection to all vessels *bona fide* belonging to the colony being exempt from pilotage charges, in similar manner to the coasting vessels, provided the masters passed a sufficient examination and fly an exempt flag.

The COLONIAL SECRETARY (Hon. F. P. Barlee) said that there was no objection on the part of the Government that vessels *bona fide* built and owned in the colony should be exempt from pilotage charges, in similar manner to the coasting vessels. Also that vessels *bona fide* owned in the colony should be exempt from pilotage charges in similar manner, on payment of masters' certificates, as in the eastern colonies.

#### RECEIPTS AND EXPENDITURE OF TELEGRAPH COMPANY.

Mr. DRUMMOND, in accordance with notice, asked the Colonial Secretary for a return of the receipts and expenditure of the telegraph company during the last six months; all Government messages to be in a separate return from those sent by the public.

The COLONIAL SECRETARY (Hon. F. P. Barlee) replied that the information asked for had reference to the accounts of a private company, which he had no right to disclose.

#### CASE OF THOMAS HIDDEN.

Mr. BICKLEY moved that the Address brought up by the select committee be read.

The Address, read at the table by the Clerk, was as follows:—

*To His Excellency Frederick Aloysius Weld, Esquire, Governor and Commander-in-Chief in and over Her Majesty's Colony of Western Australia, &c., &c., &c.*

The Humble Address of the Legislative Council of the said Colony,

Prayeth:

That Your Excellency will be pleased to bring to the special notice of Her Majesty's Secretary of State for the Colonies the highly unconstitutional action of the Victorian (and South Australian) Legislature in the deprivation of the rights of a British Subject, as evidenced in the case of Thomas Hidden.

The particular points to which it is respectfully desired to attract Your Excellency's attention are:—That the man (Thomas Hidden) held a certificate from the Comptroller General's Department

showing that he had been a "free man" for upwards of two years; that he had obtained a clearance as such from the Collector of Customs at Fremantle, and under such clearance had proceeded in a vessel called the "Azelia" to Melbourne, paying the owner for such passage the sum of £10; that on arrival in the Port of Melbourne he was immediately apprehended and lodged in Jail, and ultimately was sent back to Albany (King George's Sound), while the master of the "Azelia" was fined by the Melbourne Bench of Magistrates in the sum of £10 (which, with costs, aggregated £18) for having introduced into the Victorian province an ex-convict who had not been free for a period of three years! The whole, in the opinion of the Legislative Council, constituting a case of very peculiar hardship, and seriously trenching upon the inherent right of every British Subject to be admitted into any part of Her Majesty's Dominions without demur.

Mr. BICKLEY moved that the Address be adopted.

Debate ensued.

Mr. STEERE moved that the words "highly unconstitutional" be struck out.

Amendment agreed to.

Motion, as amended, agreed to.

#### DUTIES ON IMPORTED GOODS REPEAL BILL.

##### ADDITIONAL DUTIES ON TARIFF ACT, 1872, BILL.

Second Reading: Suspension of Standing Orders.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved for the suspension of Standing Orders to deal with the second reading.

Question put and passed.

The Bills were read a second time.

In Committee.

The clauses of the Bills were agreed to.

First Schedule—Table of Duties.

The SPEAKER asked if it would not be as well first to ascertain the items of estimated expenditure before proceeding to provide the ways and means to meet them. At present the House was not in possession of the Estimates, nor did it know what actual amount of increased taxation would be required. The House was quite in the dark as to what sum

would be wanted to cover the estimated expenditure of the ensuing year, and it appeared to him that the better plan would be to postpone the revision of the tariff until the Council ascertained what amount of taxation it would be necessary to raise.

The COLONIAL SECRETARY (Hon. F. P. Barlee) admitted that the course proposed by the Hon. the Speaker was in accordance with the practice of the House of Commons and other legislative assemblies, but he thought that as the House was already in possession of every item of extraordinary expenditure which it was estimated would be required during the ensuing year, the consideration of ways and means might have been proceeded with. In the financial statement he had submitted to the House every single item of proposed alteration in the expenditure, and stated that, with the exception of those alterations, the Estimates for 1873 would be the same as the Estimates for the current year. He had then mentioned that the extra expenditure which would have to be provided would be about £5,900, which he proposed to meet by the imposition of a duty of 12½ per cent on the actual customs' duties now paid. Since then, other works had been sanctioned by the House, such as the extension of the telegraph lines, and one or two other matters, which would bring the extraordinary expenditure to about £8,000 which would be the sum to meet which the House would have to provide ways and means. He, however, had no possible objection to the usual parliamentary practice being followed, although, as the House was already in possession of every possible information on the subject, that would be an unnecessary proceeding. He was entirely in the hands of the House.

The SPEAKER said he would be very sorry to delay the business of the House, but he thought that the proper constitutional course should be followed. All the information which the Council was in possession of in regard to the extra expenditure which would have to be provided for, was simply contained in a few round numbers submitted by the Colonial Secretary on the occasion of delivering his financial statement. The hon. gentleman then stated that he would require a certain sum of money, but it would be for the House to say whether he shall have it or not. Until the Council was in possession of the details of every item of estimated expenditure, he the Speaker thought that the consideration of ways and means should be postponed.

The COLONIAL SECRETARY (Hon. F. P. Barlee) intimated that on Friday he would be prepared to lay the Estimates on the table.

Progress reported, and leave obtained to sit again.

The Council adjourned at 7.40 p.m.

## LEGISLATIVE COUNCIL,

Thursday, 22nd August, 1872.

Grand Juries Bill: first reading—Central Board of Education By-Laws: in committee.

The SPEAKER took the Chair at 12 noon.  
PRAYERS.

## GRAND JURIES BILL.

First Reading.

Mr. BROCKMAN brought up a Bill to repeal an Ordinance for abolishing grand juries, 18th Vic. No. 5, and to make other provisions in lieu thereof.

The Bill was read a first time.

## CENTRAL BOARD OF EDUCATION BY-LAWS.

Mr. STEERE, in moving that the Council do take into its consideration the present by-laws of the Central Board of Education, with a view to their amendment, said there was no wish on his part, nor, he believed, on the part of any hon. member of the House, nor of any right-minded person in the colony, that the existing Education Act should be altered this session; on the contrary, all were anxious that it should be fairly tested. The working of the system, however, depended entirely upon the by-laws framed by the Central Board with the view of carrying out the provisions of the Act; in fact, those by-laws were the very essence of the Act, and unless they were satisfactory to the colony, the whole Act must become useless for the purpose for which it is intended. Before proceeding to point out where he considered the by-laws required amending, he would crave the indulgence of the House while he reverted to the appointment of the members of the board, in the first instance. It would be in the recollection of hon. members that the Council determined that the nomination of the board should rest with the Governor, and, shortly after the Council separated, the first five members of the Central Board of Education were duly nominated, and of these five two resided at