

from the Colony for a period of six months would be deemed at the end of such period to have retired from the post of governor, to all intents and purposes.

Bill read a second time, without discussion.

POLICE ORDINANCE, 1861, AMENDMENT BILL, 1878.

MR. BROWN moved the second reading of a Bill to further amend "The Police Ordinance, 1861," with regard to the law as to Sunday trading. Under the present Act, passed nearly twenty years ago, butchers, bakers, greengrocers, and some other trades were allowed to keep their shops open during a certain part of the day on Sundays—a privilege granted when the circumstances of the Colony might be said to have justified such a concession. But these circumstances no longer existed; nor did the necessity for the shops of the classes of tradesmen referred to being opened on Sunday, exist. Some of these shops, though ostensibly opened for the legitimate purposes of trade, transacted other business, of a different character, and the present Bill had been brought forward, by request, to put a stop to all Sunday trading, except as regarded apothecaries. He understood that in Perth, the butchers, and bakers, and greengrocers did not generally avail themselves of the provisions of the Act which permitted them to open their shops during some part of Sunday; but it was done in other places, where these shops were kept open not alone for the purposes of selling what might be termed the necessaries of life, but also other commodities. He did not think the public convenience would suffer in any way if the Bill before the House became law.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) regretted to see the Bill brought forward at all, for he did not believe in making people either religious or sober by Act of Parliament. Possibly, the question of Sunday trading so far as it was dealt with in the present Bill was not one of much importance, except as a matter of principle; and he failed to see the necessity for the Bill. As, however, he believed he was not likely to be supported in his opposition to the measure, he would not go so far as to move its

rejection, but would content himself with a protest.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) had at first regarded the Bill as a bit of satire on the recent general order with regard to the officers of the Post Office and Telegraph Department; but it appeared the hon. member was in thorough earnest in the matter, and the Government was not disposed to offer any obstacle in the way of the attainment of his desire to suppress Sunday trading.

Bill read a second time.

IN COMMITTEE.

The Bill passed through Committee without discussion or amendment.

The House adjourned at half-past one o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 22nd July, 1878.

Message (No. 10) from His Excellency the Governor (negotiations with Messrs. Lilly & Co., re steam service)—Message (No. 11), re Search for Guano Islands, on North-West Coast—Balance of revenue, Savings Bank fund, etc.—Bunbury Jetty—Message (No. 12), (Treaty of Peace, Congratulatory Address)—Loan Bill, 1878: third reading—Eastern Railway Bill: second reading—Game Act, Amendment Bill, 1878: third reading—Railways Bill, 1878: further considered in committee—Northern Districts Special Revenue Act, 1873, Amendment Bill, 1878: recommitted—High School Act, 1876, Amendment Bill, 1878: in committee—Police Ordinance, 1861, Amendment Bill, 1878: third reading—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

MESSAGE NO. 10—NEGOTIATIONS WITH MESSRS. LILLY & CO., RE STEAM SERVICE.

MR. SPEAKER announced the receipt of the following message from His Excellency the Governor:

"Referring to the Address of Your Honorable House, dated 5th June,

"1878, and to His Excellency's Message "No. 2, of the 3rd July, in reply thereto, "the Governor has the honor to inform "Your Honorable Body that after "attempting unsuccessfully to make "arrangements for such a service as he "believes would be best for the interests "of the Colony, he has been compelled "to fall back upon the following, as the "only one at this moment open to consideration.

"The offer which is made by Messrs. "J. Lilly & Co. is an experiment, lasting "for six months, from the 3rd of September next, to run the steamer 'Rob Roy' twice in twenty-eight days "between Champion Bay and Albany, "touching at Fremantle, Bunbury, and "Vasse.

"On the first occasion to meet the P. "and O. Steamer from Adelaide at "Albany, and on the second the steamer "Otwoy,' which will run once in the "twenty-eight days between Melbourne, "Adelaide, and Albany. For this service the tenderers ask to be paid at "the rate of £6,000 per annum.

"Notwithstanding that Your Honorable House has been good enough to "leave the arrangement of this matter "in the Governor's hands, His Excellency deems it more consistent with "his duty that he should submit the "proposal for the consideration of Your "Honorable Body.

"Government House, Perth, 22nd "July, 1878."

MR. BROWN moved, That the consideration of the message be taken before proceeding with the Orders of the Day.

Agreed to.

IN COMMITTEE.

MR. BROWN congratulated His Excellency upon having succeeded in receiving so satisfactory an offer for the establishment of a steam service that could not fail to be productive of such advantages to the Colony. It would be in the recollection of the House that when the subject was previously under discussion, it was understood that the South Australian Government were prepared to subsidise a steam service (to the extent of £2,000 a year), conditionally upon the steamer calling at certain intermediate South Australian ports, between Adelaide and Albany; but it appeared

the contractors (Messrs. Lilly & Co.) were not prepared to enter into negotiations upon the basis stipulated for by our neighbors; therefore the South Australian subsidy would not be available. The House, however, would bear in mind that the offer which was then before it was a service between Adelaide alone and this Colony, the subsidy asked being £8,000 a year, but the present offer provided for a direct monthly service between Melbourne (as well as Adelaide) and this Colony, and the subsidy now asked was only £6,000, which was precisely our share of the contribution towards the service previously proposed. He considered the present offer far more advantageous to Western Australia than the previous one, but he saw no provision made for the steamer periodically extending her trip to Nicol Bay. Possibly, the Colonial Secretary might be in a position to afford the House some information on this point, for there was a very general feeling in favor of that settlement being embraced in any scheme adopted by the Colony for the establishment of coastal steam communication. As the subject had already been thoroughly discussed in the House, he would say no more on the question, but would content himself by moving the following resolution:— "That the members of this Council, "having respectfully considered His Excellency's Message, are of opinion that "the offer of Messrs. Lilly & Co. to perform certain steam services upon the "coast of Western Australia, and between "Albany, Adelaide, and Melbourne, embraced in that message, is such as might "be accepted with great advantage to "this Colony; and the members of this "Council therefore humbly pray that "His Excellency will be pleased to take "such steps as to His Excellency may "seem meet, to bring the negotiations "between the Government and Messrs. "Lilly & Co. to a satisfactory conclusion."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) stated it was the intention of the Government to stipulate that the steamer shall proceed to Nicol Bay, periodically, but the contractors asked that on the occasion of each trip made thence the cost of the consumption of coal on the voyage be defrayed by the Government.

MR. CAREY failed to see how it was possible for the steamer to proceed to Nicol Bay, and carry out the terms of the proposed agreement to run twice in twenty-eight days between Champion Bay and Albany, touching at Fremantle, Bunbury, and Vasse. He quite agreed with the hon. member for Geraldton that the present offer was a much more advantageous one to this Colony than that proposed previously, and he had much pleasure in supporting it,—although, as he had already said, he failed to see how the steamer was to visit Nicol Bay and carry out her arrangement to run between Albany and Champion Bay twice a month.

MR. BROWN assumed that when the steamer made the trip to Nicol Bay she would only go to Albany once in the course of that month. He thought this might be arranged so as to incur little or no inconvenience.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said that was what the Government had in contemplation.

MR. MARMION hoped the interests of the Nicol Bay district would not be overlooked in any arrangement which might be made, and that the Government would stipulate with the contractors for occasional trips to be made to that settlement.

MR. SHENTON considered it was quite as important that the steamer should periodically visit the North-West settlements as it was that it should run to the other Colonies, and he thought it would be well to stipulate with the contractors that a certain number of trips shall be made annually to Nicol Bay, at such seasons of the year as would be most convenient for the settlers of that district.

MR. MARMION asked what was likely to be the extra cost of the trip to Nicol Bay?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) believed the trip would occupy thirteen or fourteen days, and that the consumption of coals would be about 120 tons, which would cost about £240.

MR. MARMION failed to see why the Government should be called upon to defray the cost of the entire consumption of coal on this trip; for, whether the steamer went to Nicol Bay or not she

would have to consume a certain quantity of coal. He hoped the Government would not overlook this fact, when completing their arrangements with the contractors.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said it was for the House to say whether it endorsed the proposed agreement or not.

MR. HARPER suggested that the dates of the steamer's trips to Nicol Bay should be duly published. He thought that the best time of the year for these trips would be in the months of April, August, and December.

MR. CAREY could not understand why the Government should be called upon to pay for the coal consumed on the trips to the North, any more than the trips to the South.

MR. CROWTHER thought that it was absurd on the part of the House, after leaving the entire arrangement of the matter in His Excellency's hands, to haggle over a few tons of coal.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said no definite agreement had been yet made with respect to the Nicol Bay service, nor had it been his intention to make any disclosures as to the terms of the proposed agreement had he not been challenged to do so by the hon. member for Fremantle.

The resolution was then agreed to.

MESSAGE No. 11—SEARCH FOR GUANO ISLANDS.

MR. SPEAKER announced the receipt of the following message from His Excellency the Governor:

"The Governor has the honor to acknowledge the receipt of the Address "No. 31, in which your Honorable House concurs with His Excellency in the "necessity of instituting a search for "Guano Islands on the North-West "Coast, and His Excellency is glad to "inform your Honorable Body that he "has made arrangements for chartering "the schooner 'Airlie' for this purpose, "and that he will be afforded the assistance of one of the Surveying Officers of "the Royal Navy, for laying down the "position of any Islands or Shoals that "may be discovered.

"Government House, Perth, 22nd "July, 1878."

BALANCE OF REVENUE, SAVINGS
BANK FUND, ETC.

In reply to MR. PARKER,
THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) said the balance in the Treasury chest, available for ordinary public expenditure on 1st January, 1877, was £8,669 12s. 4d.; on 1st January, 1878, £4,063 18s. 10d.; and on 1st July, 1878, £4,955 9s. 6d. The amount uninvested, and to the credit of the Post Office Savings Bank Fund, on 1st July, 1878, was £12,101 6d. The amount to credit, and not expended *re* loans for the Geraldton and Northampton Railway was—*nil*.

BUNBURY JETTY.

In reply to MR. CAREY,
THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in addition to the reply given on the 18th July, said: "The Bunbury Jetty has been completed according to contract; some steps which it is thought necessary to add not being included in the original scheme. Some damage was caused by a recent gale, a report on which, with an estimate of the cost of repairing it, has been called for by the Director of Public Works, who will report in due course to the Government what he recommends should be done."

MESSAGE No. 12—TREATY OF PEACE:
CONGRATULATORY ADDRESS.

MR. SPEAKER also notified the receipt of the following vice-regal message:

"The Governor has the honor to acknowledge the receipt of the Address No. 37 of your Honorable House, dated 19th instant, in which His Excellency is prayed to communicate to Her Majesty's Government the gratification with which your Honorable Body has received the intelligence that by the wise and prudent conduct of the Premier and Her Majesty's Government, the danger of war has been averted.

"His Excellency had much pleasure in communicating the substance of this Address by telegram to Her Majesty's Government on Saturday evening.

"Government House, Perth, 22nd July, 1878."

LOAN BILL, 1878.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) moved the third reading of a Bill to raise £200,000 by loan, for public works purposes.

MR. CAREY said he was not present when the Bill passed its second reading, and he would like to know if it was true, as stated in the *Inquirer*, that the Colonial Secretary said it would be competent for the Secretary of State, while agreeing to some portion of the loan being raised, to disallow the other items embraced in the schedule to the Bill? It appeared to him (Mr. Carey) that if His Excellency assented to the Bill, and Her Majesty allowed it, it would not be competent for the Secretary of State to interfere with the schedule.

After a pause, and no response being elicited from the Treasury benches,

MR. BURT said that, so far as his opinion went, the Secretary of State had no power to strike out any particular item in the Bill; he would either agree to it *in toto*, or otherwise recommend Her Majesty to disallow it.

MR. CAREY: That is exactly the point I wish to raise, and I think it is a very fair question to raise at this stage. If the hon. member Mr. Burt is right in his view of the matter, the probability is that the Bill will be rejected altogether; and I am surprised to find the Treasury benches paying no attention whatever to my question.

MR. BROWN said this was not the time at which questions of this nature should be raised, and he was somewhat surprised that an hon. member who was such a stickler for Parliamentary practice as the hon. member for Vasse was, should raise the point at this stage of the Bill. He understood the hon. member Mr. Burt to say that the Secretary of State would have no power to alter the Bill—that he must either allow or disallow the Bill as a whole: but the question for the consideration of the House was whether it would, or would not, be of service to have the Bill passed in its present shape, or have two Bills,—having a separate one for the railway loan? The Government had taken upon themselves the responsibility of including the whole loan in one Bill, and, the other day, when in Committee on the Bill, he had specially asked whether, from a legal point of

view, it would be possible for the Imperial Government to allow a certain portion of the loan to be raised, and to reject the other portion, or whether in the event of some of the items being disapproved the whole Bill would be disallowed. The distinct reply of the Attorney General to that question was, that there was no reason whatever why one portion only of the loan should not be raised, by virtue of the provisions of the Bill, while at the same time the Secretary of State might not be prepared to assent to the other items. Under these circumstances, he had deferred to the views of the Government. But—if he understood the interpretation of the hon. member Mr. Burt,—that hon. gentleman's views did not at all coincide with those of the Government. He would, however, vote for the third reading of the Bill, in the belief that if they did not accept it as it stood they would probably have no Bill at all, during the present Session.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said no doubt the Home Government had the power to disallow or to allow the Bill *in toto*, and that they had no power to alter it; but, as he had pointed out the other day, the Bill rendered it lawful for the Governor to raise any sum or sums, not exceeding in the whole, £200,000, to be expended on the Public Works enumerated in the Schedule. But although the Secretary of State might allow the Bill in its present form, it did not at the same time follow that the Governor would be bound to raise the whole sum: His Excellency, in deference to the wishes of the Secretary of State, might only raise £150,000, or such other sum as might be recommended by the Home Government. If, on the other hand, the Secretary of State made no demur to any item in the Bill, His Excellency would then be empowered to raise the whole amount (£200,000).

The motion for the third reading was then agreed to, and the Bill was passed.

EASTERN DISTRICTS RAILWAY BILL.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved the second reading of a Bill to authorise the construction

and maintenance of a railway from Fremantle to Guildford.

Motion agreed to.

GAME ACT, 1874, AMENDMENT BILL, 1878.

Read a third time and passed.

RAILWAYS BILL, 1878.

This Bill was further considered in Committee, and agreed to, without discussion.

NORTHERN DISTRICTS SPECIAL REVENUE ACT, 1873, AMENDMENT BILL, 1878.

This Bill was re-committed, and several new clauses added, without, however, evoking any discussion. [*Vide* "Votes and Proceedings," p.p. 168-9.]

HIGH SCHOOL ACT, 1876, AMENDMENT BILL, 1878.

IN COMMITTEE.

Clause 1.—"It shall be lawful for any person appointed or elected a governor of the High School, by writing under his hand addressed to the Governor, to resign his post of governor: any such regulation shall be laid on the Table of the Legislative Council—forthwith; and if received when the Council is in Session, at the commencement of its next Session."

Agreed to.

Clause 2.—"Any governor of the said school when he shall be absent from the Colony for a period of six calendar months, shall be deemed at the end of such period to have retired from the post of governor to all intents and purposes."

MR. SHENTON moved, as an amendment, that "twelve" months be substituted in lieu of "six" months.

Agreed to.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) moved, that the following new clause be added, and stand as clause 3: "Whenever any governor resigns his post, pursuant to the above provisions, a casual vacancy shall be deemed to have occurred within the meaning of the said Act of 1876." According to the second section of the Act referred to, any governor appointed or

elected to fill any casual vacancy was to go out of office at the time when the governor, by whose death or retirement such casual vacancy occurred, would have gone out of office. The object of the new clause now moved was to render any vacancy caused by the retirement of a governor, under the present Bill, subject to the same regulation.

Motion agreed to.

Some verbal amendments were made in the second clause of the Act of 1876, and the Bill was then reported to the House.

POLICE ORDINANCE, 1861, AMENDMENT BILL, 1878.

MR. BROWN moved, That this Bill be now read a third time.

THE ATTORNEY GENERAL (Hon. H. H. Hocking), as an amendment, moved, That it be read a third time that day six months. He admitted this was a somewhat unusual course to pursue at this stage of the passage of a Bill; but, when the House went into Committee on the Bill the previous day, it had only been in the hands of hon. members a few minutes, and the scope of the Bill had not been fully understood. It appeared to him an extraordinary thing that the Bill should have been brought forward at all: no complaints had been heard from any section of the community with reference to the existing Ordinance, and he thought that in a matter of this kind where a great many people, especially of the poorer classes, were concerned, the House should not be asked to legislate in a hurried manner, without the matter having ever been before the country or the Council, or any case made out showing that the law as it stood at present worked any hardship or inconvenience.

MR. BROWN said the Bill was a very simple one indeed, and in order that the House should not be taken by surprise he had caused the substance of the Bill to be embodied in the Notice of Motion which he had given with respect to its introduction. He had brought forward the Bill at the request of the majority of the representative members of the House.

MR. BURT would support the amendment. He had noticed the object and scope of the Bill when it was before the House yesterday. He thought that in seaport towns especially the Bill would

work a good deal of inconvenience and entail considerable hardship on vessels arriving in harbor on a Sunday. These vessels, if this Bill became law, would not be able to obtain either bread, meat, or vegetables, from shore until next day, which would be very inconvenient, to say the least, in some cases, especially if a vessel had to leave before she could get her supplies.

MR. CAREY could not see why butchers, and bakers, and greengrocers should be allowed to open their shops and trade on Sundays, any more than other people, and the Bill would have his support.

The motion for the third reading was carried, on a division—

Ayes	9.
Noes	4

Majority for	...	5
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AYES.	NOES.
Mr. Carey	The Hon. R. T. Golds-
Mr. Glyde	worthy
Mr. Hardey	Mr. Burt
Mr. Harper	Sir T. C. Campbell
Mr. Marmion	The Hon. H. H. Hocking
Mr. S. H. Parker	(Teller.)
Mr. Shenton	
Mr. Pearse	
Mr. Brown (Teller.)	

Bill read a third time.

The House adjourned at a quarter to ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 23rd July, 1878.

Roman Catholic Church Property Bill: first reading—
System of classification of clerks—Appropriation Bill: first reading; standing orders suspended; second reading; in committee; third reading—
Telegraphic Communication with Nicol Bay—Eastern Railway Bill: in committee; third reading—
Police Force, Perth and Fremantle—Third Reading—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

ROMAN CATHOLIC CHURCH PROPERTY BILL.

MR. BURT, in accordance with notice, moved the first reading of a Bill to em-