

any voter who makes a declaration as hereinafter mentioned that he is unable to read, shall, in the presence of the agents of the candidates, cause the vote of such voter to be marked on a ballot paper in the manner directed by such voter, and the ballot paper to be placed in the ballot box; and the name and number on the register of voters of every voter whose vote is marked in pursuance of this rule, and the reason why it is so marked, shall be entered on a list, to be kept by the presiding officer." The hon. member said he could quite understand the objection to a person who could not read or write having a vote at all, but provision was made for such cases in the English Act, and he thought they might as well have it in the Local Bill, as well as a provision enabling voters who were blind or otherwise physically incapacitated to exercise the franchise.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) considered the proposed clause unnecessary. If there were a large number of blind people in the community, well and good; no doubt it would be a hardship to debar them from voting. But among a small population like this, where the number of blind people might be counted on the fingers of one's hand, he did not think it was necessary to specially provide for their exercising the franchise. As to voters who made a declaration that they were unable to read, he thought the provision proposed to be made in such cases would be liable to abuse.

MR. BROWN understood that one of the objects of the Bill before the Committee was to extend the privilege of exercising the franchise to as many people as possible, and he thought, in a small community like this, they could not afford to exclude any class of persons who were otherwise entitled to vote.

MR. CROWTHER supported the motion, and considered it very essential that some provisions should be made for enabling illiterate persons to vote, with as much secrecy as possible. Many voters were as illiterate as natives, but at the same time possessed plenty of intelligence and sound common sense.

Question put, "That the new clause be added to the Bill," upon which a

division was called, with the following result:—

|      |     |     |   |
|------|-----|-----|---|
| Ayes | ... | ... | 7 |
| Noes | ... | ... | 8 |

|                  |     |   |
|------------------|-----|---|
| Majority against | ... | 1 |
|------------------|-----|---|

| AYES.               | NOES.                            |
|---------------------|----------------------------------|
| Mr. Burges          | The Hon. A. O'G. Lefroy          |
| Mr. Monger          | The Hon. M. Fraser               |
| Mr. Hardey          | Mr. Shenton                      |
| Mr. Steere          | Mr. Parker                       |
| Mr. Crowther        | Mr. Padbury                      |
| Mr. Hamersley       | Mr. Glyde                        |
| Mr. Brown (Teller.) | Mr. Gale                         |
|                     | The Hon. H. H. Hocking (Teller.) |

The amendment was consequently negatived.

Schedules and Preamble agreed to.

Bill reported.

The House adjourned at a quarter past eight o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Monday, 6th August, 1877.*

Paper—Powder Magazine at Albany—Messages from His Excellency the Governor—Financial Statement—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill, 1877: in Committee—Third Reading—Sale and Leasing of Settled Estates Bill: second reading; in committee.

THE SPEAKER took the chair at seven, p.m.

PRAYERS.

### PAPER.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) laid on the table of the House letters from Mr. Sub-Inspector Kelly and Sergeant Campbell, having reference to an alleged infringement of the orders issued to the police relative to the mode of escorting native prisoners.

### POWDER MAGAZINE AT ALBANY.

SIR T. COCKBURN-CAMPBELL moved the following resolution: "That, in the opinion of this House, the reply

given by the Government with regard to the removal of the powder magazine at Albany from its present position, in dangerous proximity to certain newly erected public buildings, to a safer locality, is unsatisfactory, and that an humble address be presented to His Excellency the Governor, praying that he will take steps to effect the removal of the magazine without unnecessary delay." The reply given by the Government was that it was not aware that the danger in connection with the magazine was now greater than it had always been, but that, however, it was the intention of the Government to take action in the matter as soon it could do so. This answer, it appeared to the hon. baronet, in view of the extremely dangerous proximity of the magazine to the Residency and other buildings in the neighborhood, did not seem as if the Government were apprehensive of any real danger. But if the Government did not care about the lives of the numerous people who resided in the vicinity of this powder magazine, the House ought to care; if the Government were unconcerned whether or not public buildings erected out of public funds were destroyed, the House ought to care that they were not jeopardised. Were the chimney of the Residency—which was only a few yards distant from the magazine—to catch fire, the result would be the destruction of much valuable property and probably the sacrifice of still more valuable lives.

MR. BROWN seconded the resolution, which was adopted.

#### MESSAGES.

THE SPEAKER announced the receipt of the following messages from His Excellency the Governor:

"The Governor has had under his consideration the Bill entitled *"An Act to regulate and abolish Pensions in certain cases."*

This Bill appears to be a reprint of the Bill from which the Governor felt constrained to withhold, last Session, his assent. So far as the Governor is aware, the question has not been brought before the constituents of any single district during the recess, and, being still of opinion that the subject has not been sufficiently considered by the country, he

deems it his duty to refuse his assent to the present Bill, for the reasons communicated to Your Honorable House in his Message No. 4, of the 28th August last.

Government House, Perth, 2nd August, 1877."

"The Governor has duly received the Addresses adopted by Your Honorable House, on the 20th, 30th, and 31st July, on the subject (1) of the Reports from Police Officers on the operation of the 41st section of the Licensing Act of 1872, as amended by the 39th Victoria, No. 11; (2) of steam communication between Geraldton and Adelaide; (3) of the destruction of unlicensed dogs; and (4) of opening mails and distributing letters on Sundays; all of which subjects shall receive the Governor's consideration.

Government House, Perth, 2nd August, 1877."

#### FINANCIAL STATEMENT.

On the motion of the ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy), the Speaker left the chair and the House resolved itself into a committee of ways and means.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) then said: Sir—In rising to bring under the consideration of the Committee the financial condition of the Colony during the past year, the present position of the finances, and our prospects and expectations for the ensuing year, I must ask the indulgence of the House while I endeavor, as far as in my power, to place before this Committee a full and impartial statement of our finances. I purpose, sir, to deal, in the first place, with the transactions of the past year, as compared with those of the preceding year, and having this object in view, I would direct attention to a comparative statement of some of our principal items of imports and exports during those two years. I will first deal with our exports. Under the head of horses, the number exported out of the Colony in 1875 was 197, valued at £2758; during the past year our exports under this head numbered 773 horses of the estimated (official) value of £10,822. In 1875, the quantity of copper ore

exported was 204 tons, as compared with 279 tons in the course of the past year—showing a slight increase in favor of the latter period. In the item of lead ore there is, however, a slight falling off. The quantity exported last year was 2190 tons as compared with 2289 tons during 1875. Hon. members are aware that the trade in one of our most important items of export—pearls, has latterly suffered considerable depression, and the article has correspondingly depreciated in value. The committee will find that our exports under this head were considerably less in the past year than in the previous year, the value exported in 1875 being estimated at £12,000, whereas in 1876 the official average value of pearls sent out of the Colony was £8000. But there is an increase in the quantity of pearl shells exported last year as compared with the preceding twelvemonth. In 1875 our exports under this head amounted, in value, to £64,642, whereas last year it reached £75,292. Wool also shows an increase. During the year 1875, the exportation of this staple product was 2,428,160 lbs., as compared with 2,831,174 lbs., during the past year, showing an increase in favor of 1876 of 403,104 lbs., as contrasted with the operations of the preceding year. The total value of our exports, as shown by the Customs returns, shows an increase in favor of the past year of £6075 as compared with the year 1875, the aggregate value last year being £397,292, of which sum the products and manufactures of the Colony represented £394,553. Our imports show a still further increase. The total value in 1875 was £349,840, whereas last year the value of goods imported into the Colony was £386,036, showing an improvement of £36,196. If the imports and exports of the Colony are to be accepted as any criterion of its financial condition, I think, sir, the Committee will agree with me that the figures which I have quoted are indicative of the steady progress and increased prosperity of the Colony. There is one item, however, in connection with our imports which cannot be regarded by any well-wisher of the Colony with complacent satisfaction, and I am anxious it should be brought prominently under the consideration of

this House and of the country at large. I allude to our importation of breadstuffs, that is to say, flour and grain. Of these commodities, the value imported in 1875 was £10,728, which during the past year was augmented to £27,111, giving an increase of £16,383 in the value of breadstuffs imported into the Colony, in the course of 1876 as compared with the transactions of the preceding year. And, according to returns which I have received from the Customs Department, there has been already imported during the present year flour and grain to the value of £18,791, making a total for the past eighteen months of £45,902. This, to my mind, is a state of things much to be lamented, and a state of things which in this Colony ought not to exist. It represents a large sum of money withdrawn from the country which ought to have been retained in it. The productive capabilities of the Colony, so far as regards cereals, are such as compare favorably with any part of the world, and we must look elsewhere than to the quality of the soil and the character of our climate for the cause of the state of affairs which I have brought under the notice of the Committee. It is true that the seasons have not lately been favorable for agricultural operations, nor have they been so in the neighboring colonies whence we import so large a quantity of our breadstuffs; and, taking one season with another, I think that if due attention were paid by the farmers of Western Australia to the cultivation of their land, the importation of flour would not figure so discredibly in our Customs Returns. I myself am disposed to attribute the existing state of things to the circumstance that a large portion of labor which ought to be confined to agricultural operations is diverted to other channels of industry of a more precarious nature than the cultivation of the soil, though, possibly, occasionally attended with larger profits. I allude particularly to the sandalwood trade, to which many of our small farmers devote the attention which ought in reality to be devoted to the improvement of their farms and the cultivation of the soil. And although it is a matter for regret that the sandalwood trade continues in a state of depression, I am inclined to think that the Colony

will benefit thereby, inasmuch as it will tend to divert a good deal of labor to more legitimate pursuits. I think this is a question calling for the grave consideration of the members of this House, who, on returning to their constituents, would do well to impress upon the agricultural portion thereof the importance of the lesson which the figures I have quoted are calculated to teach them. Sir, I would next bring under the consideration of this committee the question of the public debt of the Colony, which now amounts to £161,000. The last loan authorised by this House (£26,000) was disposed of in the Melbourne market at one per cent. premium. I think it well to remind the Committee that the interest on the Colony's debt and the sinking fund, are now a charge on the revenue to the amount of £11,620 a year. I next come to the question of immigration. The number of immigrants brought to the Colony during the past year, and during the last six months of the present year, were 595, at an average cost to the Colony of about £15 5s. In pursuance of a resolution adopted by this House, steps have been taken to prevent these persons introduced into the Colony at public expense from making the Colony a mere stepping-stone to reach the sister provinces. There was an opinion expressed that the proposed arrangement would have a prejudicial effect, and that it was likely to check immigration to the Colony. But this apprehension has not been realised. All the recent arrivals have signed the necessary agreement to remain in the Colony for a term of three years, or otherwise refund their passage money, and I have not found there has been any greater difficulty in obtaining a suitable class of immigrants in consequence of this arrangement,—which must be a considerable saving to the Colony. Formerly, as hon. members were aware, a large proportion of our immigrants no sooner arrived in the Colony than they stepped out of it; indeed, many came here with a view to reaching the sister Colonies free of expense, under the impression that, once here, all they had to do to reach Victoria or New Zealand was to jump into a coach and be off. His Excellency the Governor in the Speech with which he opened the session alluded to

the progress of the Eucla Telegraph Line, and I would here offer a few remarks in connection with that undertaking. An expenditure of £38,000 has been authorised by the votes of Council on this line, and the construction parties are now working towards Eucla, on the last section of the line between Culver Cliffs and the frontier station. Many difficulties of a discouraging nature have been overcome—difficulties chiefly owing to the unusually dry season and the destructive gales which swept along the coast, occasioning considerable delay and inflicting a good deal of personal hardship on those engaged in carrying on the work. Another vessel with materials for the construction of the telegraph station at Eucla is now ready to start for that port, and the opportunity will be availed of by Mr. Fleming, the Superintendent of Telegraphs—who has manifested much zeal in connection with the work—to proceed to Eucla with a view to expedite the completion of the line. There is also another officer, Mr. Price, who has been connected with the survey party, and who, like Mr. Fleming, has labored zealously and energetically, amidst many privations and hardships. I am informed that very shortly after the arrival of the Superintendent of Telegraphs at Eucla, we shall soon be in telegraph communication with the sister colonies and the world. In estimating the construction of the line at £38,000 the erection of the boundary station at Eucla was not taken into consideration, and it will require a further sum of £2000 to cover the cost of this building. But it has since been agreed upon between this Government and that of South Australia that the cost of erecting the frontier station shall be borne equally by the two colonies, the officers of the respective Governments sharing the same building—an arrangement which I am pleased to add South Australia readily consented to adopt. While on the subject of public works, I may add that there have been other undertakings under way during the past year, such as the light-house at Fremantle and at Point Moore, which it is hoped will soon be completed. Tenders have also been called for the erection of several school-houses, in various parts of the Colony—at Perth, Fremantle, Vasse, Geraldton,

and Northam; and some of the buildings are now in course of erection. A tender has also been accepted for the construction of a jetty at Owen's Anchorage, and for the erection of a line of telegraph between York and Beverley, which undertakings, it is hoped, will soon be completed. Turning to the question of revenue, the receipts for the past year over those of 1875 showed a net increase of £4414. The estimated revenue from all sources, exclusive of the Imperial grant, was £144,250; the actual receipts amounted to £147,335, being £3085 in excess of the estimated revenue for the same period. The net expenditure in connection with the past financial year was £179,484, showing an increase of £10,254 over the preceding year, and £6341 over the estimated expenditure. This excess was attributable to various causes over which no Government could exercise control, mainly in connection with increased numbers in hospitals, prisons, and the poor-house. After, however, providing for all the requirements of the public service, in every department, there was a balance at the close of the year of £6869. This surplus revenue has been gradually decreasing for some years past, owing to the fact that it has been expended on works that, properly speaking, should not have been undertaken out of current revenue,—such as the Eucla Telegraph line. If the surplus revenue is thus appropriated to what I may term extraordinary undertakings of this character, it cannot of course be applied to meet the ordinary expenditure of the public service. Hon. members are aware that the past year has not been a very prosperous one, so far as the staple products of the Colony were concerned; but notwithstanding this depression, consequent upon the fall in the price of pearl-shells, sandalwood, and wool, the revenue of the Colony has shown remarkable elasticity. It is a conspicuous fact, and one calculated to inspire confidence in the stability of the Colony, that notwithstanding the period of depression through which the principal industries of the country has passed, the revenue has maintained its buoyancy, and has enabled the Government to meet the public expenditure without having recourse to any extraordinary taxation. Sir, I would now, having dealt with the

operations of the past year, request the attention of hon. members to our financial prospects for the ensuing twelve months. The Estimates for 1878 have been very carefully considered by the Government, and, in framing them, I feel justified in saying that due regard has been observed as to the principle of rigid economy, consistent with the maintenance of the efficiency of the public service. The total estimated expenditure for the ensuing year is £156,938, exclusive of the payment of interest on loans, providing for the sinking fund, and the Civil List. This shows a decrease upon the actual expenditure for 1876 of £22,546, and an increase of £3713 over the estimated expenditure of the current year. In reality, I might say, there is no increase at all, inasmuch as provision has been made on the Estimates for a sum of £4727 in connection with the working of the Geraldton and Northampton Railway, which is quite a new item on the Estimates. Were that amount deducted from the estimated expenditure for the ensuing year, it would show no increase at all over the expenditure of the current year. There are other items of increase in the Estimates—increases quite beyond the control of the Government, and chiefly arising from the provision which has to be made for the maintenance of our charitable and penal institutions. Against this increased expenditure, hon. members will find on examination of the Estimates that there are various items which show a decrease. Referring more particularly to the items of increased expenditure, I may say that one of these embraces certain surveys which are necessitated by increased occupation and extension of settlement. This item may be fairly regarded as not intimating any injudicious expenditure, when we consider that the result of this extension of settlement will be to increase our sources of revenue. But we must not shut our eyes to the fact that the progress and settlement of the Colony is synonymous with the progress of expenditure. Provision has been made, as I have already said, in connection with the working expenses of the Geraldton and Northampton Railway, amounting to £4150. A further sum of £700, it is estimated, will be required under the head of Administration of Justice, in

connection with the payment of witnesses and jurors. As the criminal statistics of the Colony increase, so will our expenditure swell up, both in connection with the administration of justice and the maintenance of prisoners. In connection with the latter item, there is an increase of £2200, which, however, is not confined to the central prison at Perth, but distributed throughout the various prisons and lockups in the Colony, from Albany on the one hand to Roebourne on the other. I am happy to say that although there is an increase in the number of minor offences,—more especially in connection with drunkenness—crimes of a serious nature have not increased. The Printing Department requires a slight additional vote (£132), chiefly arising out of the increased quantity of stationery required for the public service. And talking of stationery reminds me that, without indulging in undue prolixity I had better now turn to the other side of the ledger. In directing the attention of the committee to ways and means, I may state that the revenue of the Colony for the present year, up to June 30th, amounted to £86,377, being £6,856 in excess of the estimated revenue; and at that date there remained in the Treasury, to the credit of the public the sum of £17,400. It is estimated that the revenue of the Colony is sufficiently elastic to provide for the unavoidable increase of expenditure without having recourse to any fresh taxation, which I think is a matter of general congratulation. Beyond this, it is further expected that the year's receipts will meet the year's expenditure without depending upon any of the surplus remaining from the present year. If at the end of the current year there is a balance in the public chest—as it is hoped there will be—that balance will remain to the credit of the Colony; for, as I have already said, in estimating the ways and means for the next year we do not anticipate we shall have to depend at all upon this balance. With reference to the estimated sources of receipt, we calculate upon some revenue in connection with the Geraldton and Northampton Railway, to meet the proposed expenditure in connection with the working of that line. We also reckon upon a considerable amount of revenue from the

guano deposits at the Lacepede Islands. The right of removing guano has been granted on payment of a royalty of 10s. a ton on the registered tonnage of the ship, plus one third—which has been the best arrangement the Government could make. It was considered inadvisable to grant a monopoly to any particular firm to remove guano from the islands, but possibly more advantageous terms may be made as regards the future. It will this evening be known to the House, from papers laid on the Table, that the question of the possession of, and the right to, these islands has been determined, and is no longer in suspense. It will be seen, on reference to the correspondence submitted to the House, what action the Governor of the Colony took in the matter, and the firm attitude His Excellency maintained in the face of the extreme pressure brought to bear upon him. His Excellency unflinchingly resisted that pressure, and I think that his conduct in the matter will be approved of by this honorable House, and by every member of the community who appreciate firmness of character combined with sound judgment and ability. His Excellency never flinched from the discharge of the duty which he conceived he owed to the Crown which he represents and the Colony which he governs, and it will be gratifying to the House to find that his action in the matter has been ratified by the United States Government, who have rejected the claim put forward by one of their citizens to possession of the islands. Sir, in concluding my remarks, and in looking forward to the future prospects of the Colony, I think hon. members will agree with me that the present depression is only temporary. It is a matter of regret that the condition of the markets with regard to the leading and staple products of the Colony has been such as, for a time, to exercise a depressing influence on our trade and commerce; at the same time I think there is nothing to justify doubt or timidity in the future. There are those who look gloomily on every thing; a cloud seems to overshadow their every-day walk in life. But personally I take no gloomy view of the prospects of the Colony; on the contrary I believe it has a bright future before it. I am one of those who believe that there is a

silver lining to every cloud, and I doubt not the cloud which temporarily overshadowed this Colony will soon be dispersed. The price of wool is already looking up, and I trust that the value of our other industries will be soon restored and improved. Much of the progress of the Colony depends upon the action of the colonists themselves. By wise measures and prudent counsels in this House, by united action and unanimity of purpose on the part of all classes, the country is certain to advance satisfactorily, as it ought to do. With increased occupation of land and extended settlement; with an immediate prospect of being linked with the telegraphic system of the whole civilized world; with increased lines of railway, and with projected means of steam communication both by land and sea; I think the time is not far distant when Western Australia shall assume a prominent position among the sister settlements of this great continent. Sir, I now beg to move the first item on the Estimates for the ensuing year:—"Establishment of His Excellency the Governor, £264 6s. 8d."

MR. STEERE said that not having had the Estimates before him until that moment, he was not in a position to offer any remarks upon them. But he did wish to make one observation in reference to what had fallen from the Colonial Secretary, relating to the balance remaining in the chest from last year. In reality there was no balance at all; on the contrary, the Colony was in debt. It would be in the recollection of the House that a sum of £18,000 was voted last year for the completion of the Eucla telegraph line, out of which only £11,000 had been expended. If the whole amount had been disbursed, there would have been a deficit at the end of the year, instead of an assumed balance. He was glad to hear from the hon. gentleman that it was not intended to trespass on any surplus revenue that might remain in the public chest at the end of the current year, for the purpose of meeting the expenditure of 1878. He regretted to find that no provision was made by the Government for the proposed Fremantle and Guildford line of railway, and he hoped this omission would be rectified; if not, the question would have to be considered by the

Council. No opportunity having been afforded the house to consider the Estimates just placed on the Table, he would move that Progress be reported and leave given the Committee to sit again on Thursday.

Motion agreed to.

#### WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT, 1877.

##### IN COMMITTEE.

Clause 1.—"The sixth section of the Wines, Beer, and Spirit Sale Act, 1872, Amendment Act, 1875," is hereby amended by omitting the last paragraph thereof, namely, the words following—'And if any such intoxicated person be allowed to remain on such premises, the holder of such license shall in each case be liable to the same penalty.'

THE ATTORNEY GENERAL (Hon. H. H. Hocking), in accordance with notice, moved that the clause be struck out, and the following words inserted in lieu thereof: "Whenever any charge is brought against any licensed person under the sixth section of 'The Wines, Beer, and Spirit Sale Act, 1872, Amendment Act, 1875,' for that such licensed person has allowed an intoxicated person to remain on his premises; it shall be lawful for such licensed person, and for the husband or wife of such licensed person to be sworn, and to give evidence in the same manner as any other witness." This, the hon. gentleman said, might be regarded as a somewhat wholesale way of dealing with the Bill—to strike out its most important clause; but, as he had stated before, he considered the Bill based altogether on a wrong principle. He could not help thinking, also, that the Bill was altogether unnecessary, notwithstanding the cases mentioned by hon. members—cases of alleged grievances, which, after all, were the result of a mistaken notion on the part of the police as to their duty. He did not know whether the cases referred to were founded on fact—he wished to keep clear of the wrath of the sub-inspectors of police; but very likely if hon. members came to examine the attendant circumstances connected with these cases it would be discovered there had been some little exaggeration with

regard to the information furnished to the hon. members who brought the cases forward. The principal grievance appeared to be this:—that some over-zealous, or, rather, under-zealous policeman, on seeing drunken men in the streets had watched them until they got to a public house and then arrested them. Now if such a case really did exist, and the matter were represented to the Superintendent of Police, or to the Government, it would meet with deserved reprobation. But that had nothing to do with the state of the licensing law. That was no reason why the House, simply because a policeman had not properly executed his duty, should be asked to repeal an Act which had been found to work well, and beneficially in many ways. No respectable publican need experience any hardship under the existing law, as interpreted by His Honor the Chief Justice,—more especially if the House adopted the new section which he had moved as an amendment upon the first clause of the Bill before the Committee, which would enable an accused publican and his wife to give evidence in self-defence. He would now move, in accordance with notice, that the first section of the Bill be struck out.

MR. BROWN said he rose to oppose the motion, as might be expected. The debate on the Bill the other evening resulted in a division, and a majority of two in favor of the second reading of the measure. The House when it arrived at that decision was perfectly aware that in doing so it was in direct opposition to the views of His Excellency the Governor as expressed in various speeches delivered to the House, and also in opposition to the views of the Government. It was, therefore, not to be wondered at that the amendments which he proposed in the Bill he had taken charge of had not met with the approval of the Government, and that they had endeavored by a side-wind to set aside the action of the House. The House had asked for bread, and the Government presented them with a stone, and endeavored to hood-wink them, and persuade them that the very small addition now proposed by the Attorney General would make the present law perfection. No doubt the object the Government had in view—the object they all had in

view,—was to prevent unscrupulous persons from perpetuating a custom which was a disgrace to the community, the supplying of liquors to drunken men in order to benefit unprincipled landlords and the equally unprincipled hangers-on of the tap-room. With regard to the amendment proposed by the hon. the Attorney General, namely, the admission of publicans and their wives as witnesses in cases affecting their own interests, he would like to know what value any bench of magistrates would place on the testimony of an unscrupulous publican and his wife charged with an infringement of the law? No weight whatever. The proposition of the Government was so absurd that he did not think the House would entertain it for a moment. Since the Bill was originally printed, he had after conversation introduced several amendments with a view to render it more effectual, and he had caused the clauses of the Bill as it was proposed to amend them to be printed, so that hon. members might have an opportunity of seeing the scope and object of the amendments, and of the whole Bill, if carried. The clauses would now read thus:—

“If any holder of any license under this Act, or any agent, barman, or servant acting for or on behalf of such holder, shall knowingly or carelessly allow any intoxicated person to remain in or upon his licensed house or any of the appurtenances thereof, the holder of such license shall in each case be liable to a penalty of any sum not exceeding £5. Provided, nevertheless, that if upon the hearing of any information or complaint against any such licensed person for a breach of this section, it shall be proved to the satisfaction of the justice or justices of the peace by whom such information or complaint shall be heard or determined, that the intoxicated person whom such licensed person, his agent, barman, or servant as aforesaid, has allowed to remain in his licensed premises was, at the time of the alleged offence, a *bonâ fide* lodger at such licensed person's house, and that every due and proper precaution was observed by such licensed person, his agent, barman, or servant as aforesaid, to prevent such lodger from drinking, or expending his money upon intoxicating liquor whilst in a state of intoxication, then



such information or complaint shall be dismissed as against such licensed person."

"If any person shall in any house licensed under this Act, or upon any of the appurtenances thereof, supply to any other person whilst in a state of intoxication any intoxicating liquor, the person so supplying such liquor shall forfeit and pay for every such offence any sum not exceeding £5."

He thought these provisions were as stringent as they ought to be. He failed to see how any person could have any objection to them on the score that they were not sufficiently so. Hon. members would observe that the latter clause even went further than the present Act, which only provided for the punishment of the landlord for supplying liquor to an intoxicated person on his premises; but the present section provided a penalty for any person doing so.

MR. MONGER said the Attorney General had thought proper to question if such a case as he (Mr. Monger) had cited had really occurred, but he was in a position to substantiate the statements he had made. As to the charges brought forward last session he had been requested to do so by some of his constituents whose statements he had received, and he believed the only one word of truth on the part of the Sub-Inspector complained of—when replying to the charge—was that he was a little nearer the right time as to when the occurrence took place than he (the speaker) had been. To a certain extent, he admitted, he had been deceived in the second case, but the Sub-Inspector had not stated the true facts connected with the occurrence. The Attorney General recommended hon. members to complain to the Superintendent of Police if they had any charges against members of the force. Perhaps some hon. members had noticed a case mentioned in the *W. A. Times*, of a policeman who had entered a hotel at York through a window: that circumstance was complained of to the authorities, but no satisfaction was obtained. Why should he, or any other hon. member, be called upon to prove such cases? As to the reliability of the testimony of a publican and his wife, the Resident Magistrate at

York would sooner take the word of a policeman than that of all the publicans and their wives in the town. It might do in some districts, but it would be of very little use in York.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) did not know, nor was he concerned, whether the statements put forward were well founded or not; that had nothing to do with the state of the law. He had no means of knowing—nor was this the proper place or time for him to enter into a defence of the police, supposing he thought their conduct was susceptible of defence. The hon. member for Geraldton said he would like to know what importance any magistrate would attach to the explanations offered in his defence by an unscrupulous publican. He did not know, he was sure, but he supposed a Resident Magistrate would probably know these persons better than he did. He did not bring forward his amendments with a view to protect the unscrupulous publican: on the contrary, his object was to afford the honest and scrupulous publican every proper means to establish his defence, if he were innocent. Let them take the case of Mr. Woodman for instance—a very respectable publican, as far as he was aware. Supposing in that case the defendant had known what he now knew, after the Chief Justice's interpretation of the law,—that all he had to do was to prove that neither he nor his agent was aware of the existence of the drunken man on his premises, and that he had had no drink there; and that the publican or his wife was allowed to give evidence, the result would have been that he would have sustained no hardship at all. Surely no hon. member imagined that any magistrate would decide a case against any publican, scrupulous or unscrupulous, in defiance of the probabilities of the case, and of right and justice.

MR. BROWN: Is it not well known that, in the city of Perth, as well as elsewhere, policemen in the first place charge a man with being drunk on the premises of a publican, and having secured a conviction, then proceed against the publican for allowing the man to remain on the premises, whether aware of his presence there or not? Is it not known that such circumstances as these have occurred—

that a policeman went to a public house some distance from Perth, saw a man there, spoke to him, and regarded him sufficiently sober to entrust him to hold his horse: yet that man was fined for being drunk, and the publican also fined for allowing him to remain on his premises, notwithstanding the evidence of Mr. Hetherington that the man was not drunk. There are numbers of such cases throughout the Colony, but the members of that House have not been in the habit of taking notes of them, and acting in the capacity of detectives. If the present law were to remain in force, and hon. members were to do so, next year the number of vexatious cases adduced would be such that the Act would be swept away altogether, and, instead of having such reasonable amendments as are here proposed we should in all probability revert to the old state of things.

Question—"That the clause proposed to be struck out stand part of the bill"—put, and a division called for, with the following result:—

|              |     |     |    |
|--------------|-----|-----|----|
| Ayes         | ... | ... | 11 |
| Noes         | ... | ... | 9  |
|              |     |     | —  |
| Majority for | ... | ... | 2  |

## AYES.

Mr. Burges  
Mr. Burt  
Mr. Hardey  
Mr. Glyde  
Mr. Gale  
Mr. Pearse  
Mr. Marmion  
Mr. Monger  
Mr. Crowther  
Mr. Hamersley  
Mr. Brown (Teller.)

## NOES.

The Hon. A. O'G. Lefroy  
The Hon. M. Fraser  
Mr. Steere  
Mr. Randall  
Mr. Parker  
Mr. Shenton  
Mr. Padbury  
Sir L. S. Leake  
The Hon. H. H. Hocking  
(Teller.)

The amendment was therefore negatived.

Clause 1 agreed to.

Clause 2 read:

Mr. BROWN moved, that clause 2 be struck out, and that the following new clause be inserted in lieu thereof:—"If any holder of any license under this Act, or any agent, barman, or servant acting for or on behalf of such holder, shall knowingly or carelessly allow any intoxicated person to remain in or upon his licensed house or any of the appurtenances thereof, the holder of such license shall in each case be liable to a penalty of any sum not exceeding five pounds. Provided, nevertheless, that if upon the hearing of any information or

complaint against any such licensed person for a breach of this section, it shall be proved to the satisfaction of the Justice or Justices of the Peace by whom such information or complaint shall be heard or determined, that the intoxicated person whom such licensed person, his agent, barman, or servant as aforesaid, has allowed to remain in his licensed premises was, at the time of the alleged offence, a *bonâ fide* lodger at such licensed person's house, and that every due and proper precaution was observed by such licensed person, his agent, barman, or servant as aforesaid, to prevent such lodger from drinking, or expending his money upon intoxicating liquor whilst in a state of intoxication, then such information or complaint shall be dismissed as against such licensed person."

Agreed to.

MR. BROWN moved, that the following new clause be inserted and stand as clause 3:—"If any person shall in any house licensed under this Act, or upon any of the appurtenances thereof, supply to any other person whilst in a state of intoxication any intoxicating liquor, the person so supplying such liquor shall forfeit and pay for every such offence any sum not exceeding five pounds."

Motion agreed to.

MR. BROWN moved, that the remaining clause stand as clause 4.

Question—put and passed.

Clause 4 agreed to.

Preamble agreed to.

Title agreed to.

Bill reported.

## THIRD READING.

The Pawnbrokers Ordinance, 1860, Amendment Bill, 1877, was read a third time and passed.

## SALE AND LEASING OF SETTLED ESTATES BILL.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) in moving the second reading of this Bill, said it was often made an objection in the House that Acts of the Imperial Parliament were adopted here without setting forth their provisions in the Bill incorporating them, and the objection was not without weight in some instances. But he did not think it would hold good with regard to the

present Bill, the provisions of which could only be availed of by the public under professional advice. The object of the Bill was to enable the Supreme Court to authorise a tenant for life to make a sale, or grant a lease for twenty-one years at a rack rent.

Bill read a second time, and passed through committee without discussion or amendment.

The House adjourned at 9 o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 8th August, 1877.*

Vesting certain powers in Officers of Customs Bill: first reading—Elementary Education Act, 1871, Amendment Bill, 1877: first reading—Paper—Third Readings—Scab in Sheep Ordinance, 1866, Amendment Bill, 1877: second reading; in committee.

THE SPEAKER took the Chair at 7 p.m.

PRAYERS.

### VESTING CERTAIN POWERS IN OFFICERS OF CUSTOMS BILL.

This Bill was brought in and read a first time.

### ELEMENTARY EDUCATION ACT, 1871, AMENDMENT BILL, 1877.

Read a first time.

#### PAPER.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) laid on the Table a Report from the Inspector of Schools having reference to the working of the Education Act.

#### THIRD READINGS.

The following Bills were read a third time and passed:—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill, 1877; Sale and Leasing of Settled Estates Bill.

### SCAB IN SHEEP ORDINANCE, 1866, AMENDMENT BILL, 1877.

MR. STEERE moved the second reading of this Bill, without comment.

Motion agreed to, and the Bill committed, and reported to the House, without discussion.

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

## LEGISLATIVE COUNCIL,

*Thursday, 9th August, 1877.*

Abscinding Debtors' Act, Repeal Bill: first reading—Estimates: in committee.

THE SPEAKER took the Chair at noon.

PRAYERS.

### ABSCINDING DEBTORS' ACT REPEAL BILL.

MR. BURT, in accordance with notice, moved for leave to bring in a Bill to repeal an Act intituled "An Act to facilitate the arrest of Abscinding Debtors."

Leave given; bill brought in, and read first time.

#### ESTIMATES.

The Order of the Day for the consideration of the Estimates in committee of the whole Council being read,

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) moved, That the Speaker do now leave the Chair.

MR. BROWN moved, as an amendment, "That this House will resolve itself into the said committee when the Government are prepared to authorise the commencement of the Railway to connect the Eastern Districts with the port of Fremantle." The hon. member said the House was aware that pressure had been brought to bear upon the